

FINAL

# HYATT HOUSE AND HYATT PLACE PROJECT

## ADDENDUM TO THE NORTH SAN JOSÉ DEVELOPMENT POLICIES UPDATE FINAL ENVIRONMENTAL IMPACT REPORT

STATE CLEARINGHOUSE # 2004102067

FILE NO. H14-006



May 2014

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FILE NO. H14-006

Submitted to:

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May 2014

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## SECTION 1.0 INTRODUCTION AND PURPOSE

This document, prepared pursuant to the California Environmental Quality Act (CEQA) and the regulations and policies of the City of San José, is an Addendum to the North San José Development Policies Update Final Environmental Impact Report<sup>1</sup> (2005 NSJ FEIR), which was certified by the City of San José (City) in June 2005. The 2005 NSJ FEIR consists of the Draft EIR, and the First and Second Amendments to the Draft EIR (Response to Comments Documents). This Addendum evaluates the project-specific environmental impacts related to the proposed Hyatt House and Hyatt Place Project (project), which is part of the larger North San José Development Policies Update. The City of San José is the Lead Agency under CEQA.

The North San José Development Policies Update, as amended, is intended to intensify development allowed in the Rincon de los Esteros Redevelopment Area in the north part of the City, and would allow for the development of 26.7 million square feet of new industrial/office/research and development (R&D) building space, 1.7 million square feet of new neighborhood-serving commercial uses, 1,000,000 square feet of new regional commercial uses, 1,000 new hotel rooms, and 32,000 new dwelling units in the area.

The project site is located within the boundaries of the North San José Development Policies Update boundaries (Policies Area), also known as the Rincon de Los Esteros Redevelopment Area, in the Industrial Core Area (where the highest intensity of development is planned). The project would include the development of one five-story hotel and one seven-story hotel with a maximum of 329 rooms and 331 parking spaces.

This Addendum is prepared pursuant to *CEQA Guidelines* Section 15164 which states: “The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.” Section 15162 specifies that “no subsequent EIR shall be prepared for that project unless the lead agency determines ... one or more of the following”:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete was adopted, shows any of the following:
  - (A) The project will have one or more significant effects not discussed in the previous EIR;
  - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

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<sup>1</sup> San José, City of, 2005. *Final Environmental Impact Report, North San José Development Policies Update*. June.

- (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Pursuant to *CEQA Guidelines* Section 15164(e), this Addendum summarizes the San José Hyatt House and Hyatt Place Project (which is a refinement of the North San José Development Policies Update), the less-than-significant impacts associated with the project, and the reasons for the City's conclusion that changes to the proposed project and associated environmental effects do not meet the conditions described in *CEQA Guidelines* Section 15162 calling for preparation of a Subsequent EIR.

## **SECTION 2.0 PROJECT INFORMATION**

### **2.1 PROJECT TITLE**

Hyatt House and Hyatt Place Project

### **2.2 PROJECT LOCATION**

The proposed project is located on an approximately 6-acre site in a primarily commercial neighborhood, about 0.5 miles north of the Mineta San José International Airport and 3 miles northwest of Downtown San José. The site is located at 2103 North First Street and 90 Karina Court. It is bounded by North First Street to the north; restaurant and motel uses to the east; U.S. Highway 101 (also known as Bayshore Freeway) to the south; and Karina Court and office uses to the west.<sup>2</sup> The project site contains four existing buildings comprising approximately 45,000 square feet of building space, including: three buildings located at 2103 North First Street (a showroom/maintenance building, sales office, and garage/shop) and a warehouse/office structure located at 90 Karina Court. The Santa Clara Valley Transportation Authority (VTA) Karina Station (light rail) is located north of the site within the North First Street median. Figure 1 shows the location of the project site and Figure 2 shows land uses in the vicinity of the project site.

### **2.3 PROJECT SPONSOR'S NAME AND ADDRESS**

Chris Gebert  
Vice President Development  
Hyatt  
229 W. Sycamore Avenue  
El Segundo, CA 90245

### **2.4 LEAD AGENCY CONTACT**

City of San José  
Department of Planning, Building, and Code Enforcement  
Emily Lipoma, Planner  
200 East Santa Clara Street  
San José, CA 95113-1950  
(408) 535-7903  
emily.lipoma@sanjoseca.gov

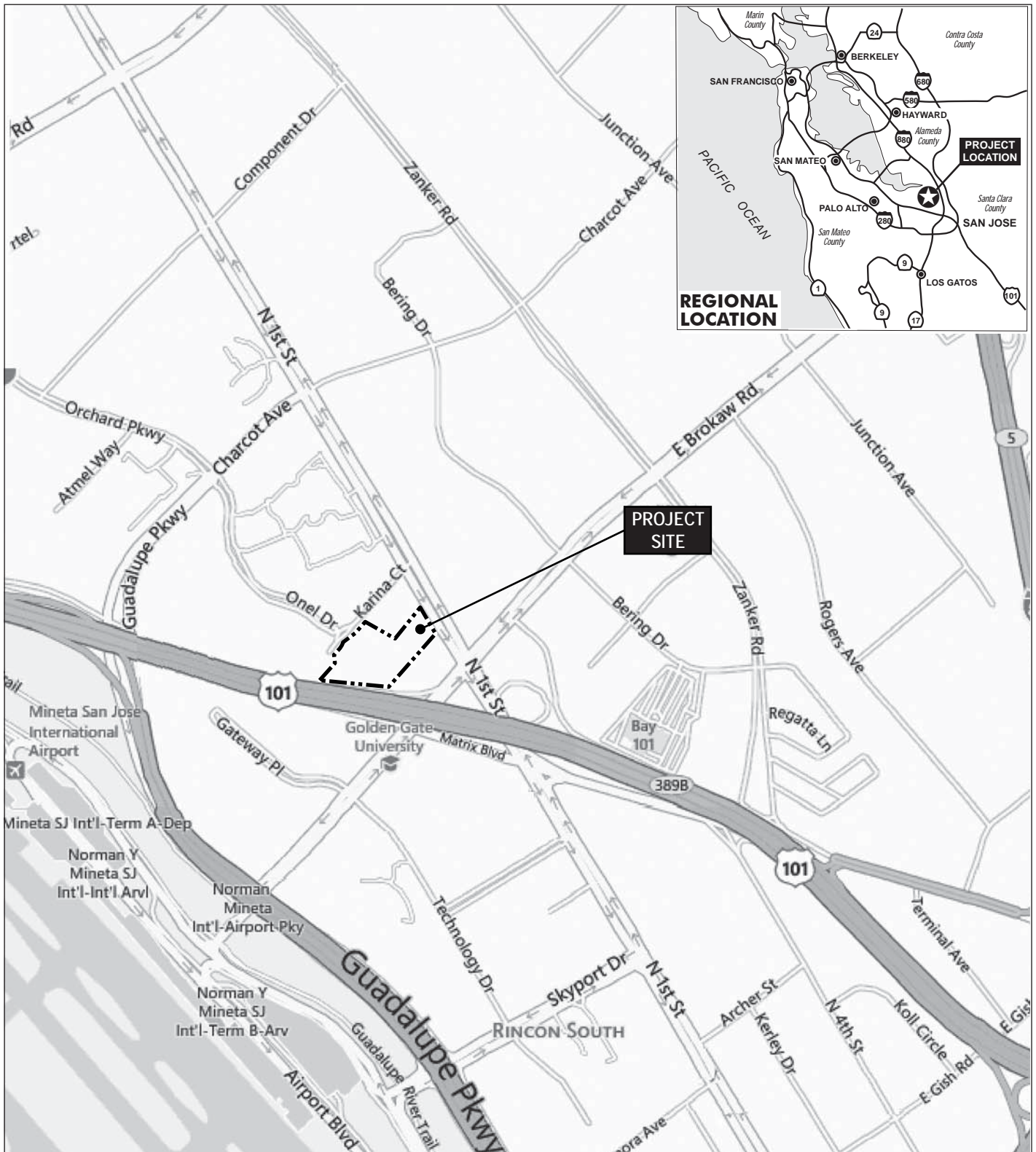
### **2.5 SUBJECT SITE ASSESSOR'S PARCEL NUMBER**

101-05-002, -003, and -005

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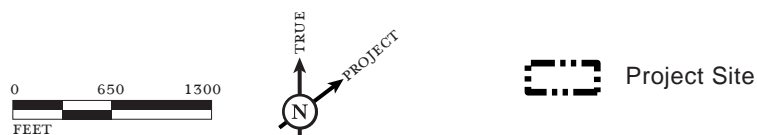
<sup>2</sup> The street system in the vicinity of the project site does not adhere exactly to the cardinal directions. For descriptive purposes, North First Street is considered to be north of the site and Highway 101 is considered to be south of the project site.

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LSA

FIGURE 1



Hyatt House and Hyatt Place Project EIR Addendum  
Project Location and Regional Vicinity

SOURCE: LSA ASSOCIATES, INC., 2014.

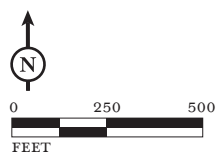
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LSA

FIGURE 2



 Project Site

*Hyatt House and Hyatt Place Project EIR Addendum*  
Land Uses Surrounding Project Site

SOURCES: GOOGLE EARTH, 9/12/2012; LSA ASSOCIATES, INC., 2014.

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## **2.6 GENERAL PLAN LAND USE DESIGNATION AND ZONING DESIGNATION**

*General Plan Land Use Designation:* Transit Employment Center

*Zoning Designation:* Light Industrial (LI) [APNs 101-05-002 and -003] and Industrial Park (IP) [APN 101-05-005]

## **2.7 HABITAT CONSERVATION PLAN (HCP) DESIGNATION AND INFORMATION**

Land Cover Designation: Urban – Suburban

Land Cover Fee Zones: Urban Areas (no land cover fee)

Burrowing Owl Survey and Fee Zone: Burrowing Owl Occupied Habitat

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## SECTION 3.0 PROJECT DESCRIPTION

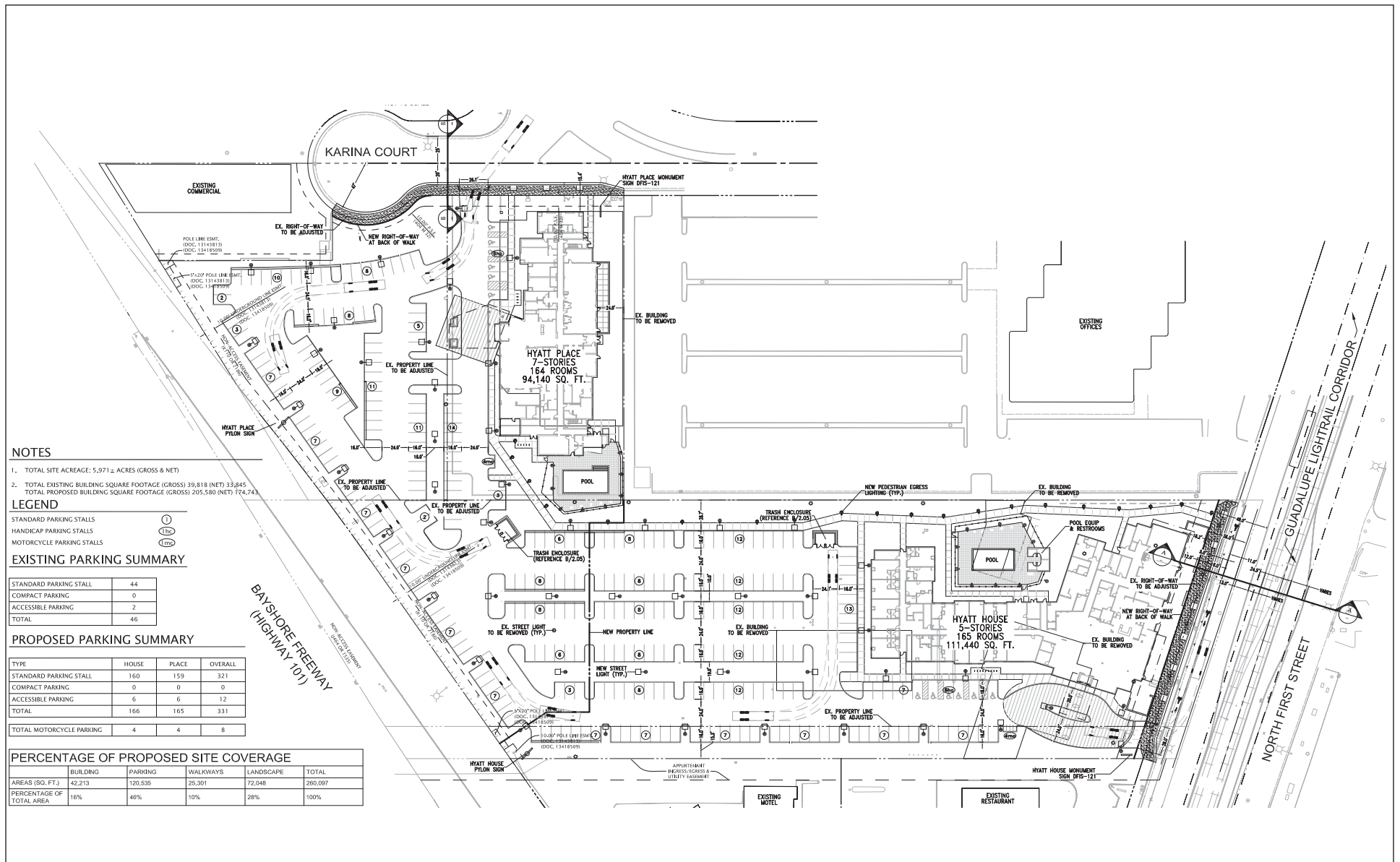
The proposed Hyatt House and Hyatt Place Project (project) would result in the development of two hotels containing a total of 329 rooms on an L-shaped, approximately 6-acre site about 0.5 miles north of the Mineta San José International Airport and 3 miles northwest of Downtown San José. The following discussion describes the physical and operational elements of the project, and required project approvals. Figure 3 is a project site plan. Figures 4a and 4b are representative elevations for Hyatt House and Hyatt Place, respectively. Figures 5a and 5b are the floor plans for Hyatt House. Figures 6a and 6b are floor plans for Hyatt Place. Figures 7a through 7c are representative site perspectives. Figure 8 is the conceptual landscape plan for the project.

### 3.1.1 Site History and Hazardous Materials Remediation

The project site was used for farming from at least 1939 to approximately 1965. The showroom/maintenance building, sales office, and garage/shop at 2103 North First Street were constructed in 1967, and were occupied by an automotive dealership from the late 1960s to the late 1980s. A rental car facility occupied the buildings from the late 1980s until approximately July 2012. The warehouse/office structure located at 90 Karina Court was constructed in 1981 and was occupied by various businesses until it was vacated in May 2013.

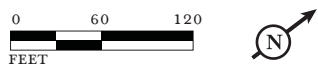
The automotive land uses that previously occupied the project site resulted in hazardous materials contamination. Contamination by gasoline, tetrachloroethylene (PCE), and trichloroethylene (TCE) was discovered in 2012, when a 550-gallon waste oil under-ground storage tank (UST) and a 12,000-gallon gasoline UST were removed from the site. Following the discovery of the contamination, areas around the UST were excavated and associated soil and groundwater were removed. Additional testing for volatile organic compounds, metals, and other contaminants was also undertaken, followed by additional excavation and removal of soil and groundwater. After the additional soil removal, most contaminants were found to be at concentrations below Environmental Screening Levels (ESLs), or concentrations determined by regulatory agencies to not pose a substantial risk to human health. Although petroleum hydrocarbons were detected above ESLs in three areas of the site, they were not considered to be a threat to human health or the environment. The case was closed by the Santa Clara County Department of Environmental Health in October 2013, meaning that additional remediation activities may be required, but contamination levels present an acceptable risk.

In addition, PCE and TCE, were identified around other features on the site, including hydraulic lifts and a car wash, including two oil/water separators (clarifiers), a sand trap, and associated piping, which were removed from the project site between 1997 and 2012. Extensive testing for contamination was conducted, and a Preliminary Site Assessment (including soil and groundwater sampling throughout the site) was conducted in May 2013. Volatile organic compounds were not detected in any of the soil or groundwater samples at or above their ESLs. Petroleum hydrocarbons were detected in soil or groundwater samples at concentrations above ESLs in three areas of the site. In August 2013, the parties responsible for the contamination then entered into a voluntary Remedial Action Agreement to determine whether further hazardous materials characterization and remediation were necessary at the site. In October 2013, the Santa Clara County Department of Environmental Health found that the additional investigation and remediation of contamination on the site satisfied the cleanup goal requirements of the Remedial Action Agreement.



LSA

FIGURE 3



Hyatt House and Hyatt Place Project EIR Addendum  
Site Plan

SOURCE: DENNIS D. SMITH, AIA, 3/20/2014.

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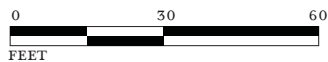
## A SOUTH ELEVATION



## B WEST ELEVATION

LSA

FIGURE 4a



SOURCE: DENNIS D. SMITH, AIA, 3/20/2014.

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Hyatt House and Hyatt Place Project EIR Addendum  
Hyatt House - Representative Elevations



## A WEST ELEVATION

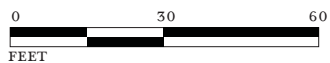


## B SOUTH ELEVATION

- 1 STEEL TROWELED STUCCO  
PTD. SW 6248 "JUBILEE"
- 2 STEEL TROWELED STUCCO  
PTD. SW 7664 "STEELY GRAY"
- 3 STEEL TROWELED STUCCO  
PTD. SW 6249 "STORM CLOUD"
- 4 STEEL TROWELED STUCCO  
PTD. SW 7665 "WALL STREET"
- 5 METAL PANEL - COLOR "SILVER METALLIC"
- 6 PORCELAIN TILE PLANK  
COLOR "DARK CHARCOAL" (WOOD LOOK)
- 7 ALUMINIUM FRAME WINDOW
- 8 CURTAIN WALL SPANDREL GLASS
- 9 LOUVERS
- 10 CURTAIN WALL - GLAZING
- 11 PORTE COCHERE
- 12 ALUMINIUM STOREFRONT

LSA

FIGURE 4b

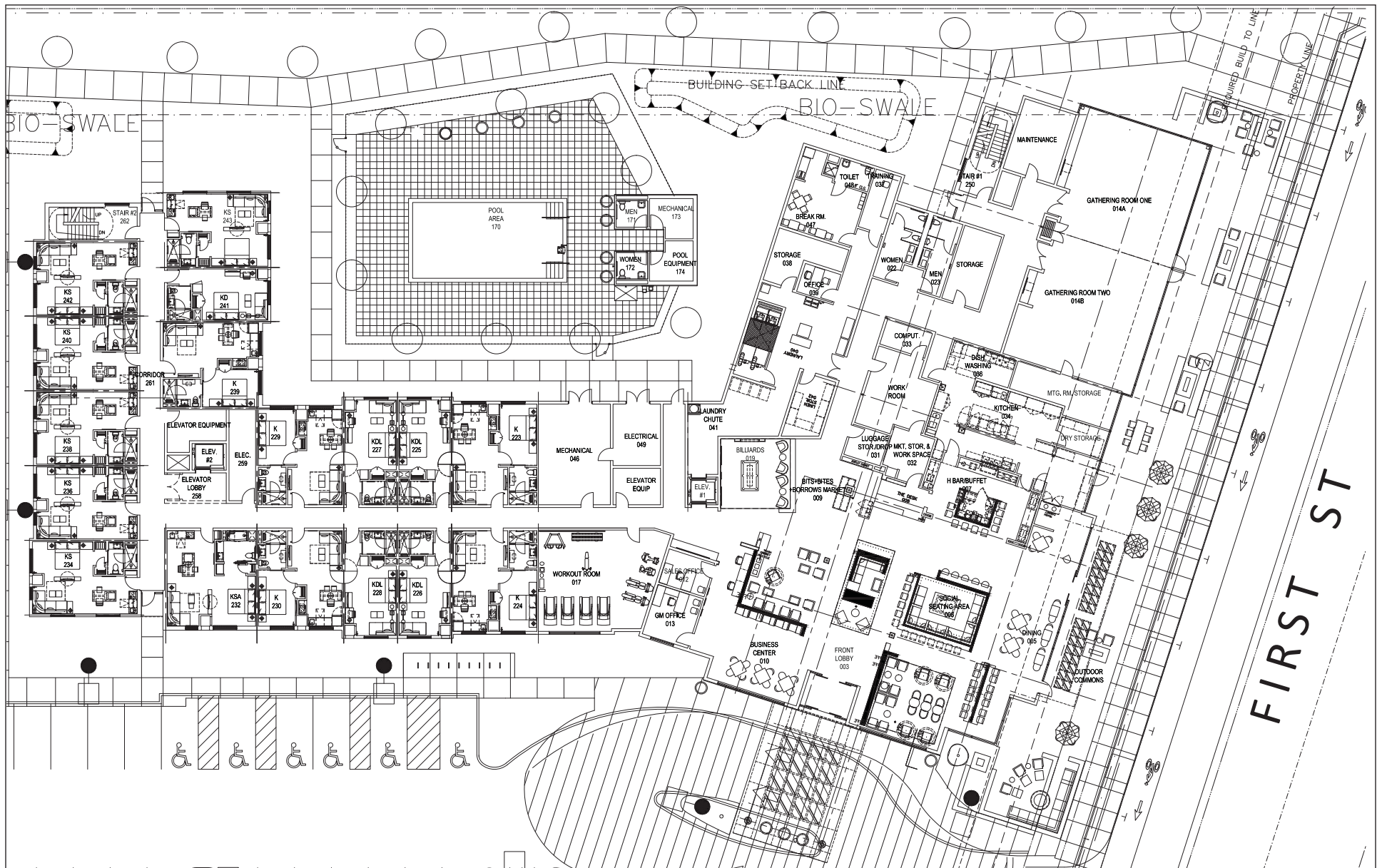


SOURCE: DENNIS D. SMITH, AIA, 3/20/2014.

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Hyatt House and Hyatt Place Project EIR Addendum  
Hyatt Place - Representative Elevations





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Not To Scale



FIGURE 5a

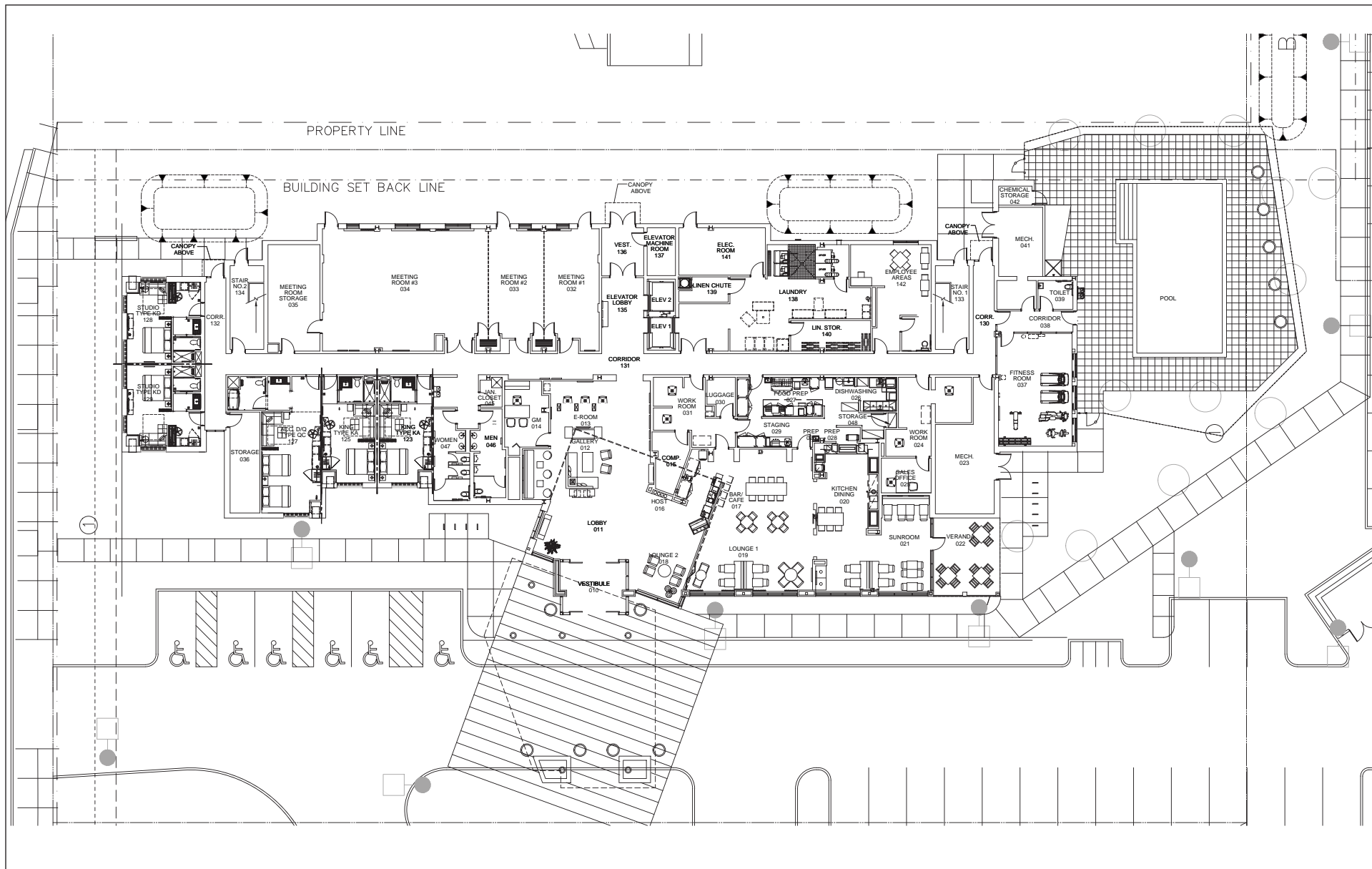
Hyatt House and Hyatt Place Project EIR Addendum  
Hyatt House - Ground Floor Plan

SOURCE: DENNIS D. SMITH, AIA, 3/20/2014.

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Hyatt House - Representative Upper Level Floor Plan (Floors 2-5)





LSA

FIGURE 6a

Not To Scale



SOURCE: DENNIS D. SMITH, AIA, 3/20/2014.

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Hyatt House and Hyatt Place Project EIR Addendum  
Hyatt Place - Ground Floor Plan

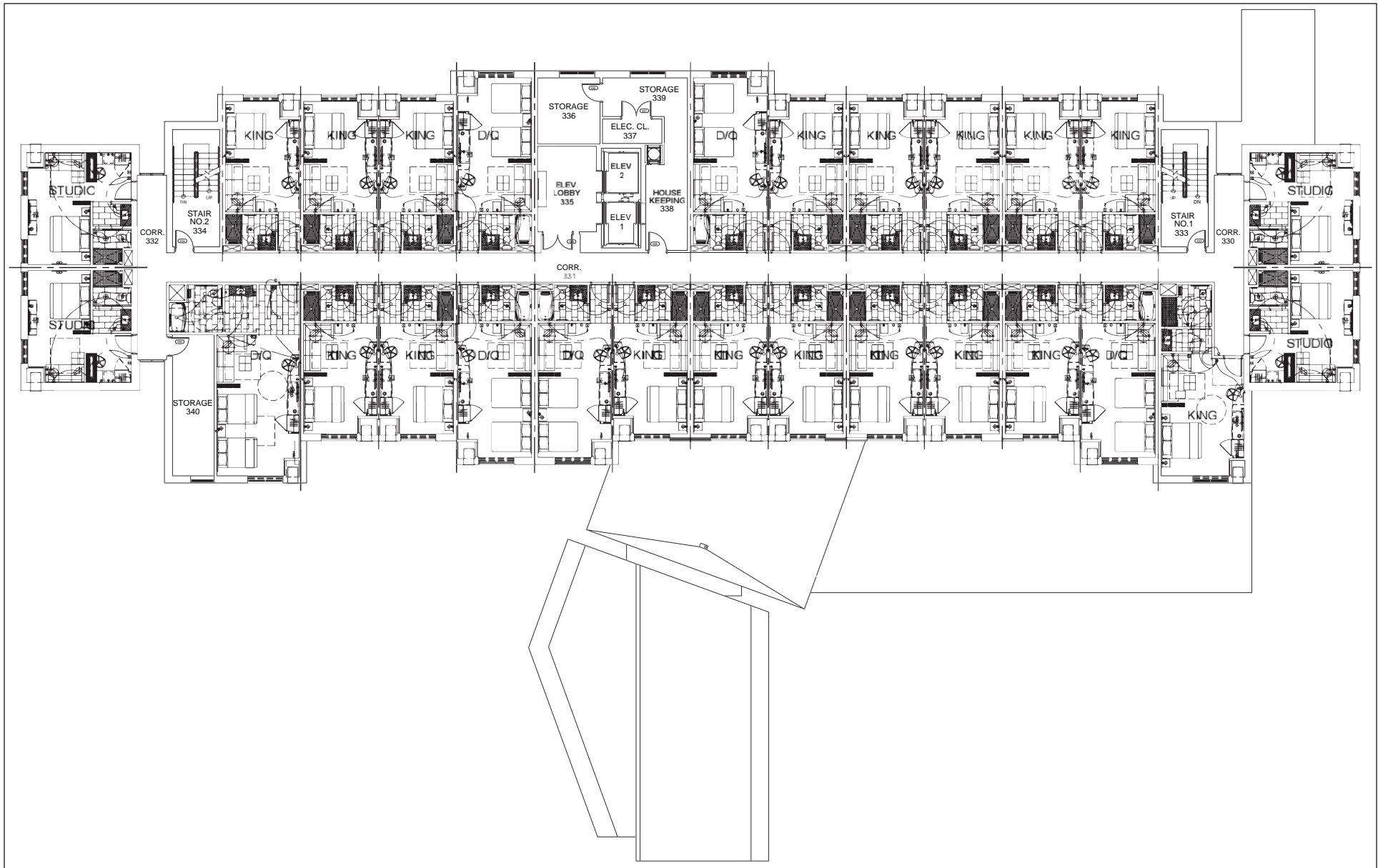


FIGURE 6b

LSA

Not To Scale



SOURCE: DENNIS D. SMITH, AIA, 1/3/2014.

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*Hyatt House and Hyatt Place Project EIR Addendum*  
**Hyatt Place - Upper Level Floor Plan (Floors 2-7)**



LSA

FIGURE 7a





LSA

FIGURE 7b

Not To Scale

SOURCE: DENNIS D. SMITH, AIA, 3/20/2014.

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*Hyatt House and Hyatt Place Project EIR Addendum*  
**Hyatt Place - Representative Perspective**





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FIGURE 7c

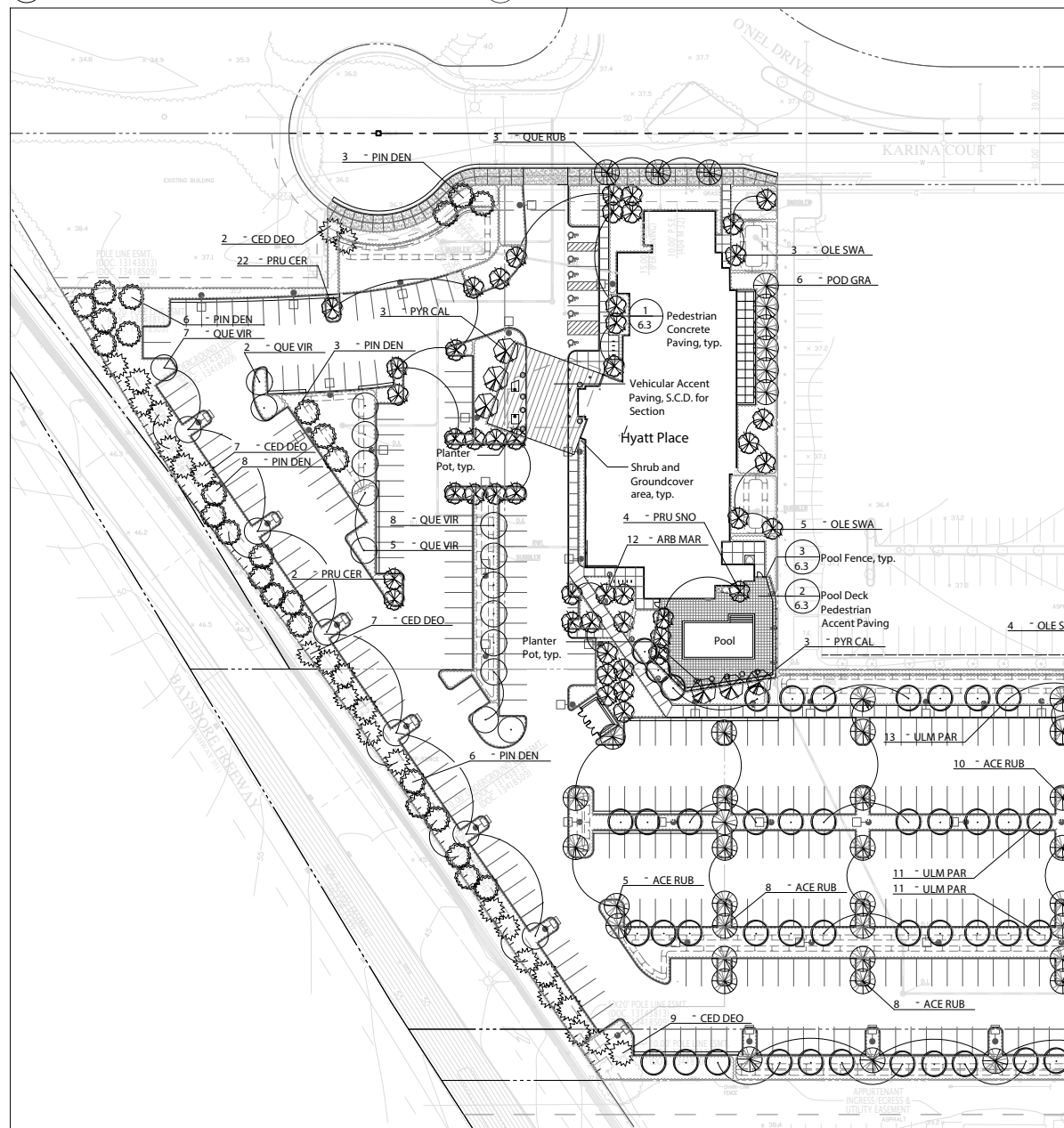
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SOURCE: DENNIS D. SMITH, AIA, 2/14/2014.

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*Hyatt House and Hyatt Place Project EIR Addendum  
Representative Site Perspective*

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TREES					
KEY	SIZE	BOTANICAL NAME	COMMON NAME	QTY.	COMMENTS
ACE RUB	24" Box	Acer rubrum 'Armstrong'	Columnar Red Maple	37	
ARB MAR	24" Box	Arbutus 'Marina'	Arbutus	28	
CED DEO	24" Box	Cedrus deodara	Deodar Cedar	25	
OLE SWA	24" Box	Olea 'Swan Hill'	Fruitless Olive	19	
PIN DEN	24" Box	Pinus densiflora	Japanese Red Pine	26	
POD GRA	24" Box	Podocarpus gracilior	Fern Pine	21	Standard
PRU CER	24" Box	Prunus cerasifera 'Krauter Vesuvius'	Purple Leaf Plum	24	
PRU SNO	24" Box	Prunus s. 'Snowgoose'	Flowering Cherry	22	
PYR CAL	24" Box	Pyrus calleryana 'Chanticleer'	Callery Pear	18	
QUE RUB	24" Box	Quercus rubra	Red Oak	3	Standard
QUE VIR	24" Box	Quercus virginiana	Southern Live Oak	22	Standard
ULM MOR	24" Box	Ulmus Morton	Accolade Elm	6	
ULM PAR	24" Box	Ulmus parvifolia 'True Green'	Evergreen Elm	56	

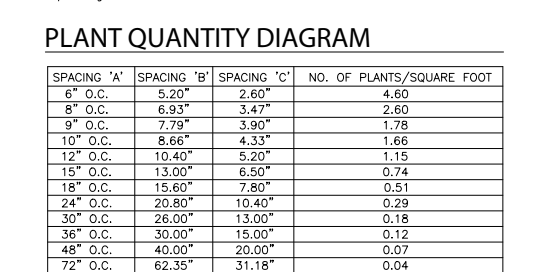
OUT SYMBOL

(or See Spacing Comments)

key (See Plant List)

GROUNDCOVERS				
KEY	SIZE	BOTANICAL NAME	COMMON NAME	SPACING/COMMENTS
ACA RED	1 gal	Acacia redolens	Acacia	48" O.C.
CER TOM	1 gal	Cerastium tomentosum	Snow in Summer	48" O.C.
LIR SPI	1 gal	Liriope spicata	Creeping Lily Turf	18" O.C.
NAN DPM	1 gal	Nandina domestica "Harbor Dwarf"	Hall's Honeysuckle	18" O.C.
OST FRU	1 gal	Osteospermum fruticosum "African Queen"	Freeway Daisy	24" O.C.
PAC TER	1 gal	Pachysandra terminalis	Japanese Spurge	18" O.C.
ROS OFF	1 gal	Rosmarinus officinalis prostrata	Creeping Rosemary	18" O.C./or size as noted
TRA JAS	1 gal	Trachelospermum jasminoides	Star Jasmine	36" O.C.

### PLANT SPACING DIAGRAM



**NOTE:**  
All project landscape, irrigation and maintenance of same shall conform to the City of San Jose Landscape and Irrigation Guidelines.  
All planted areas are to be watered with an approved automatic underground irrigation system. The system shall be designed to make efficient use of water through conservation techniques. The backflow device shall be screened from view with plantings.  
The minimum slope in all planting areas shall be 2%. The minimum slope on landscape paving surfaces shall be 3/4% typically.  
Street tree species selected and approved by City Arborist. Contractor to meet and review with City Arborist before final placement.

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### 3.1.2 Proposed Buildings

Two hotels would be constructed on the project site: Hyatt House and Hyatt Place. Hyatt House is a hotel designed to include community amenities and features allowing for longer-term stays, such as food kiosks where a small selection of groceries and prepared foods would be available, kitchens, workout rooms, business centers with computers, and outdoor social spaces. Hyatt Place also includes similar amenities, but with a design more typical of a conventional hotel. These two structures, which would include the mandatory requirements of the California Green Building Standards Code (California Code of Regulations, Title 24, Part 11), are described below.

- Hyatt House.* Hyatt House, which would be aligned along a roughly north/south axis in the northern portion of the project site, would contain five levels and extend up to approximately 56 feet in height (not including rooftop mechanical equipment and architectural features). The maximum height of rooftop features would be 73 feet, 2 inches. The approximately 111,440-square-foot building would contain a total of 165 hotel rooms, including 25 one-bedroom units, 75 King Studios, 41 Kings, 16 Double Queens and eight King Suites. All rooms would have kitchenettes with the exception of the King guestrooms. The first floor of the Hyatt House would contain the reception area, two meeting/conference rooms, kitchen and bar/buffet area, dining area, laundry room, food kiosk, workout room, staff and office space, mechanical equipment, accessory and storage space, and 17 guest rooms. Levels two through five would each contain 37 guest rooms, in addition to housekeeping and storage space. A pool and associated outdoor space would be provided in a partially-enclosed courtyard on the west side of the building. Another outdoor space, with tables and seating areas, would be provided adjacent to the dining area along the northern edge of the building.
- Hyatt Place.* The Hyatt Place, which would be aligned along a roughly east/west axis in the southern portion of the project site, would contain seven levels and extend up to approximately 74 feet, 4 inches in height (not including rooftop mechanical equipment and architectural features). The maximum height of rooftop features would be 92 feet, 5 inches. The approximately 94,140-square-foot building would contain a total of 164 hotel rooms, including 35 Double Queen rooms, 103 King rooms, and 26 Studios. The first floor of the Hyatt Place would contain a lobby, lounge, veranda, three meeting rooms, kitchen and dining areas, a fitness room, accessory and storage space, and five guest rooms. Level two would contain 24 guest rooms in addition to housekeeping and storage space and levels three through seven would each contain 27 guest rooms, in addition to housekeeping and storage space. A pool and adjacent outdoor space would be provided adjacent to the eastern side of the building.

The architecture of the two hotels would be characterized by rectilinear shapes, alternating stucco and metal panels, tile, and aluminum frame windows. Metal fencing would be installed around outdoor areas. In addition, canopies, with glass elements, would be placed around the main entries to the two hotels.

### 3.1.3 Parking and Circulation

Hyatt House would be accessed primarily from North First Street; Hyatt Place would be accessed primarily from Karina Court. A total of 331 parking spaces would be provided in surface parking lots surrounding the two hotels. A total of 166 parking spaces would be provided for Hyatt House and 165 parking spaces would be provided for Hyatt Place. The parking total includes 12 accessible spaces, and approximately 24 parking spaces for staff, which would not be designated for exclusive use.

Bicycle parking and 8 motorcycle spaces would also be included. The City of San José Zoning Ordinance (Section 20.90.220 C., Note 6) requires that parking spaces be provided at the rate of one space per hotel room and one space per employee, with reductions below these standards permitted. Fewer parking spaces than required by Section 20.90.220C of the Zoning Ordinance would be provided, but the amount of proposed parking would comply with the Zoning Ordinance (taking into account permitted reductions). The proposed parking supply takes into account the site's location in close proximity to the Mineta San José International Airport and the VTA Karina Station (which would be expected to reduce the use of private motor vehicles by hotel guests and employees). Sidewalks would extend partially around the perimeters of each of the hotels and would connect the hotels with the existing sidewalks along North First Street and Karina Court.

### 3.1.4 Landscaping and Stormwater Management

The project would include approximately 77,955 square feet of landscaped and bioretentive areas, which would be generally located around the perimeter of the two hotels, along the edges of the project site, and as planting strips within the surface parking lot. There are currently 33 trees on the project site, of which 14 are "ordinance-sized" trees protected under the provisions of Municipal Code Section 13.32.020.<sup>3</sup> All 33 trees on the site would be removed. Approximately 307 trees would be planted on the site, encompassing a range of exotic species, including columnar red maple (*Acer rubrum* "armstrong"), fruitless olive (*Olea* "swan hill"), and evergreen elm (*Ulmus parvifolia* "true green"). Shrubs and groundcover would also be planted throughout the site.

Under existing conditions, approximately 84 percent of the site (214,862 square feet) is covered with impervious surfaces, such as asphalt or building footprints, and 17 percent of the site (45,235 square feet) is covered with pervious surfaces, such as turf or other landscaping. With implementation of the project, the amount of impervious surfaces on the site would be reduced with the provision of additional landscaped surfaces: 70 percent of the project site (182,142 square feet) would be covered with impervious surfaces and 30 percent of the site (77,955 square feet) would be covered with pervious surfaces. The site would be organized into 12 areas to retain and treat stormwater generated on-site. Bioretention features would be provided for each treatment area, and would range in size from approximately 134 to 1,841 square feet. These bioretention features, which would be regularly inspected and maintained by the project sponsor, would be located within the surface parking lots and along the periphery of the site. Stormwater lines would be provided to convey stormwater once it has been filtered by the bioretention features.

### 3.1.5 Utilities

Because the project site is developed with commercial and light industrial uses and is located in an urban area, utilities are available to serve the project site, including water, sanitary sewer, storm water, energy, and communications infrastructure.

### 3.1.6 Construction

Development of the project would require the demolition of the existing buildings on the project site, and the removal of all paving from the site. Construction is anticipated to occur over 16 months, starting in April 2015 and ending in July 2016. The project would be constructed in a single phase.

<sup>3</sup> McClenahan Consulting, LLC, 2014. *Arborist Report, 2103 N First Street & 90 Karina Court, San Jose, CA*. March 28.

For the purpose of this Addendum, it is assumed that project construction would not require pile driving, but would utilize a typical mix of construction equipment for projects of a similar type and size, including graders, bulldozers, jackhammers, and cement mixers.

### **3.1.7 City Actions/Approvals**

The City of San José will consider the information provided in the 2005 NSJ FEIR and in this Addendum when considering actions necessary to implement this project, including the following approvals:

- Site Development Permit (with Addendum to the 2005 NSJ FEIR)
- Building and Grading Permits from the Building Department and Department of Public Works
- Encroachment Permits from the Department of Public Works

### **3.1.8 North San José Development Policies Update**

The proposed Hyatt House and Hyatt Place Project would be considered a minor change to the North San José Development Policies Update, which is intended to intensify development allowed with the Rincon de los Esteros Redevelopment Area in the north part of the City. Rincon de los Esteros is an established industrial park area with light and heavy industrial uses, along with scattered enclaves of high- and medium-high density residential uses. A key objective of the North San José Development Policies Update is to encourage taller office/R&D buildings along the established light rail transit (LRT) line on North First Street, and add residential development both within a newly designated Industrial Core Area, and through expansion of the existing North San José residential areas. To support these changes in land use policy, the North San José Development Policies Update also includes upgrades to the transportation network in the area and adjustments to the City's transportation policies.

The North San José Development Policies Update, as amended, allows for the development of 26.7 million square feet of new industrial/office/R&D building space, 1.7 million square feet of new neighborhood-serving commercial uses, 1,000,000 square feet of new regional commercial uses, 1,000 new hotel rooms, and 32,000 new dwelling units in the area. Most growth would be concentrated within the Industrial Core Area, within which the Hyatt House and Hyatt Place Project site is located. The Industrial Core Area covers 592 acres of land located on both sides of North First Street, from Montague Expressway to U.S. 101. In general, the North San José Development Policies Update provides general criteria for development in the area and does not propose specific development projects (with the exception of specific infrastructure projects to support anticipated growth in the area). The 2005 NSJ FEIR thus “programmatically” analyzes development in the area.

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## SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND DISCUSSION OF IMPACTS

In accordance with CEQA Section 21093(b) and *CEQA Guidelines* Section 15152(a), this Addendum tiers off the 2005 NSJ FEIR, certified in June 2005, which is hereby incorporated by reference. The 2005 NSJ FEIR is also available on the City's website: [www.sanjoseca.gov/index.aspx?nid=2119](http://www.sanjoseca.gov/index.aspx?nid=2119).

This section, Section 4.0, Environmental Setting, Checklist, and Discussion of Impacts, describes the existing environmental conditions on and near the project site, as well as environmental impacts associated with the proposed project. The focus of this analysis is on impacts that are different than those identified in the 2005 NSJ FEIR. Impact statements and mitigation measures are adapted from the 2005 NSJ FEIR, as well as Addenda prepared after certification of the FEIR for changes to the North San José Development Policies Update.

The environmental checklist is used to compare the environmental impacts of the proposed project with impacts expected to result from development approved in the 2005 NSJ FEIR, and to identify whether the proposed project would be likely to result in new significant environmental impacts. The right-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of this document. Mitigation measures are identified for all significant project impacts. "Mitigation Measures" are measures that would minimize, avoid, or eliminate a significant impact. Measures that are required by law or are City standard conditions of approval are categorized as "Standard Measures."

In addition, each significant impact is numbered using an alpha-numerical system that identifies the environmental issue. For example, Impact HAZ-1 denotes the first impact in the hazards and hazardous materials section. Mitigation measures and conclusions are also numbered to correspond to the impacts they address. The letter codes used to identify environmental issues are shown in Table 1.

**Table 1: Letter Codes of Environmental Issues**

Letter Code	Environmental Issue
AES	Aesthetics
AG	Agricultural and Forestry Resources
AIR	Air Quality
VEG	Biological Resources
CUL	Cultural Resources
GEO	Geology and Soils
GHG	Greenhouse Gas Emissions
HAZMAT	Hazards and Hazardous Materials
HYD	Hydrology and Water Quality
LU	Land Use and Planning
MIN	Mineral Resources
NOI	Noise and Vibration
POP	Population and Housing
SVCS	Public Service
REC	Recreation
TRAN	Transportation
UTIL	Utilities and Service Systems

## 4.1 AESTHETICS

### 4.1.1 Setting

The visual character of the Policies Area and project site is characterized by generally lower-scale (one- to two-story) office and warehouse buildings, with expansive surface parking lots. Vegetation is generally limited to the perimeter of buildings, surface parking lots, and street rights-of-way.

As described in the 2005 NSJ FEIR, the flat topography of the project site and its environs limits long-distance scenic views. Limited scenic views in the vicinity of the site are available of the hillsides bordering Santa Clara Valley. However, these views are partially blocked by existing structures, vegetation, and the elevated U.S. 101 freeway. The shoreline of San Francisco Bay is located approximately 6 miles to the northwest of the site, and is not visible from the site.

Similarly, scenic resources, such as large and mature trees, rock outcroppings, and historic buildings are uncommon in the Policies Area, including the project site. The project site is completely developed with urban uses, and the buildings within the site are of recent construction. While the project site contains numerous trees, they are typical of landscaping specimens, and none are of a size that would be characterized as a scenic resource. Furthermore, U.S. 101 in the vicinity of the project site is not a designated or eligible State Scenic Highway.

### 4.1.2 Environmental Checklist and Discussion of Impacts

Aesthetics						
Issues	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

#### 4.1.2.1 Scenic Vistas

Scenic vistas in the vicinity of the site are constrained by flat topography and existing urban development. Intermittent views of the Diablo Range foothills are available from the project site looking northeast, and of the Coast Range foothills looking southwest. The views of the foothills in either direction are interrupted by existing buildings. As described in the 2005 NSJ FEIR, the North San José Development Policies Update would allow for the construction of taller and more massive buildings in the area, which could incrementally reduce the availability of views to the hillsides. However, these impacts would not be considered significant because existing hillside views are currently limited. The proposed project, which would replace existing low-rise buildings on the site with two hotels extending to a maximum of 92 feet, 5 inches in height, would similarly constrain views of the hillsides.

However, because such views are already partially blocked by the elevated U.S. 101 freeway and other existing structures, the project would not result in new impacts to scenic vistas or substantially increase the severity of the less-than-significant impacts to scenic vistas identified in the 2005 NSJ FEIR.

#### **4.1.2.2 Scenic Resources**

The project site is not located within a scenic viewshed or along a scenic highway, including a State Scenic Highway. In addition, the site is completely developed with urban uses and landscaping, and contains no scenic resources such as heritage trees, rock outcroppings, or historic buildings. Therefore, the proposed project would not result in new or more substantial impacts to scenic resources beyond those identified in the 2005 NSJ FEIR. Such impacts were identified as not significant in the 2005 NSJ FEIR.

#### **4.1.2.3 Change in Visual Character**

As discussed in the 2005 NSJ FEIR, the North San José Development Policies Update would change the visual character of the area by replacing generally low-rise industrial and commercial development with a more intense land use pattern, larger buildings and parking lots, and potentially reduced vegetation coverage. However, this change in visual character would not be considered significant because specific development projects would be required to be consistent with the City's Design Guidelines as part of the Site Development or Planned Development Permit processes. The City's Design Guidelines would ensure that specific development projects are designed in a way that is sensitive to surrounding architecture and the scale of existing development, provide sufficient open space, and would not degrade the visual character of the area. The proposed project would result in the development of two hotels with associated landscaping. The project site plans and elevations indicate that the design would be compatible with that of surrounding urban development. Therefore, the proposed project would not result in new impacts to visual character beyond those less-than-significant impacts identified in the 2005 NSJ FEIR.

#### **4.1.2.4 Light and Glare Impacts**

As discussed in the 2005 NSJ FEIR, more intense development patterns (including the development of taller buildings) would increase sources of light and glare. However, such light and glare would be reduced through compliance with the City's Design Guidelines, which require that outdoor lighting use high pressure sodium fixtures that are designed to avoid spillover onto adjacent properties. The proposed project would contain lighting along parking areas, driveways, and walkways, and around signage. However, this lighting would also be required to be consistent with the City's Design Guidelines, which would minimize light and glare. The Site Lighting Plan prepared for the project shows minimal light spillover beyond the project boundaries. Therefore, the proposed project would not result in new light and glare impacts or worsen the less-than-significant light and glare impacts identified in the 2005 NSJ FEIR.

#### **4.1.3 Conclusion**

The proposed project would not result in any new or more significant aesthetics impacts than those addressed in the certified 2005 NSJ FEIR.

## 4.2 AGRICULTURAL AND FORESTRY RESOURCES

### 4.2.1 Setting

The North San José area was cultivated for agricultural crops including orchards, field crops, and greenhouse-grown flowers for over 100 years. However, very little agricultural land remains, and the Policies Area has been used for commercial purposes for over 30 years. The project site is currently developed with buildings and surface parking lots, and has been developed with urban uses since approximately 1965. According to the Santa Clara County Important Farmland 2010 map, the project site is designated *Urban and Built-Up Land*.<sup>4</sup> The project site is not the subject to a Williamson Act contract and does not contain forest lands.

### 4.2.2 Environmental Checklist and Discussion of Impacts

Agriculture Resources						
Issues	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Information Source(s)/ Discussion Location
Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	5
Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	5,6
Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	5,6
Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

As discussed above, the project site is designated as *Urban and Built-Up Land* on the Santa Clara County Important Farmland 2010 map and is not used or zoned for agricultural purposes. For these reasons, the proposed project would not result in any new or more significant impacts to farmland or agricultural resources beyond those identified in the certified 2005 NSJ FEIR.

<sup>4</sup> California, State of, Department of Conservation, 2010. *Farmland Mapping and Monitoring Program*. Website: <http://ftp.consrv.ca.gov/pub/dlrp/fmmp/pdf/2010/sc110.pdf> (accessed March 17, 2014).

#### **4.2.3 Conclusion**

The proposed project would not result in any new or more significant impacts to farmland and forest land beyond those identified in the certified 2005 NSJ FEIR.



## 4.3 AIR QUALITY

The section evaluates air quality emissions resulting from implementation of the 2005 NSJ FEIR, which accounts for emissions generated by the proposed project.

### 4.3.1 Setting

The City of San José is located in the Santa Clara Valley within the San Francisco Bay Area Air Basin. The project site's proximity to both the Pacific Ocean and San Francisco Bay has a moderating influence on the City's climate. This portion of the Santa Clara Valley is bounded to the north by the San Francisco Bay, the Santa Cruz Mountains to the southwest, and the Diablo Range to the east. The surrounding terrain greatly influences winds in the valley, resulting in a prevailing wind that follows along the valley's northwest-southwest axis.

Pollutants in the air can cause health problems, especially for children, the elderly, and people with heart or lung problems. Healthy adults may experience symptoms during periods of intense exercise. Pollutants can also cause damage to animals, vegetation, and property.

#### 4.3.1.1 Envision San José 2040 General Plan

Various policies in the Envision San José 2040 General Plan have been adopted that would avoid or mitigate air quality impacts from development projects. In Chapter 3, Environmental Leadership, the City's General Plan has the following goals and policies related to the proposed project that would reduce air quality impacts:

- Policy MS-10.1: Assess projected air emissions from new development in conformance with the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines and relative to state and federal standards. Identify and implement feasible air emission reduction measures.
- Policy MS-10.2: Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.
- Policy MS-11.1: Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.
- Policy MS-11.5: Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.
- Policy MS-13.1: Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.

In addition to the goals and policies of the General Plan, the proposed project would also be subject to the City's Grading Ordinance, which requires that all earth moving activities control fugitive dust through steps such as regular watering of the ground surface, cleaning of nearby streets, and planting any areas left vacant for extensive periods of time.

#### 4.3.1.2 Background Information

Ambient air quality in the vicinity of the project site has basically remained unchanged since approval of the 2005 NSJ FEIR. However, the Bay Area Air Quality Management District (BAAQMD) has made two key regulatory changes since the FEIR was certified. Revised *BAAQMD CEQA Guidelines*<sup>5</sup> were adopted in May 2011 that provide new and updated CEQA thresholds for analyzing air quality impacts. In general, the 2011 *BAAQMD CEQA Guidelines* have lowered the emissions thresholds for identifying project impacts. For example, the 2011 *BAAQMD CEQA Guidelines* revised the threshold for project operations for reactive organic gases (ROG) and nitrogen oxides (NO<sub>x</sub>) from 80 pounds per day to 54 pounds per day. The updated thresholds also include new thresholds for small particulate matter (PM<sub>2.5</sub>) at 54 pounds per day. The 2011 *BAAQMD CEQA Guidelines* were also amended to include a risk and hazards threshold for new receptors and modified procedures for assessing impacts related to risk and hazard impacts.

On March 5, 2012, the Alameda County Superior Court issued a judgment finding that the BAAQMD failed to comply with CEQA when it adopted the thresholds of significance in the *BAAQMD CEQA Guidelines*. The court did not determine whether the thresholds of significance were valid on their merits, but found that the adoption of the thresholds was a project under CEQA. The court issued a writ of mandate ordering the BAAQMD to set aside the thresholds and cease dissemination of them until the BAAQMD complied with CEQA. In May of 2012, the BAAQMD filed an appeal of the court's decision. In August of 2013, the First District Court of Appeal overturned the trial court and held that the thresholds of significance were not subject to CEQA review. The Court of Appeal's decision was appealed to the California Supreme Court, which granted limited review, and the matter is currently pending.

The BAAQMD has not reinstated the 2011 *CEQA Guidelines*; however, the BAAQMD notes that the Alameda County Superior Court, in ordering BAAQMD to set aside the thresholds, did not address the merits of the science or evidence supporting the thresholds. The BAAQMD finds that, despite the court ruling, the science and reasoning contained in the 2011 *BAAQMD CEQA Guidelines* provide the latest state-of-the art guidance available. For that reason, substantial evidence supports continued use of the 2011 *BAAQMD CEQA Guidelines*.

The Bay Area 2010 Clean Air Plan (CAP) was adopted in September 2010.<sup>6</sup> The CAP is the latest Clean Air Plan which contains district-wide control measures to reduce ozone precursor emissions (i.e., ROG and NO<sub>x</sub>) and particulate matter.

#### 4.3.1.3 Sensitive Receptors

The BAAQMD defines sensitive receptors as facilities where sensitive population groups (children, the elderly, the acutely ill and the chronically ill) are likely to be located. These land uses include residences, schools, playgrounds, child-care centers, retirement homes, convalescent homes, hospitals and medicinal clinics. The project site is located adjacent to a freeway and other commercial land uses, which are not considered sensitive receptors. No sensitive receptors are located within 0.25 miles of the project site.

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<sup>5</sup> Bay Area Air Quality Management District, 2011. *California Environmental Quality Act, Air Quality Guidelines*. May.

<sup>6</sup> Bay Area Air Quality Management District, 2010. *Bay Area 2010 Clean Air Plan*.

### 4.3.2 Environmental Checklist and Discussion of Impacts

<b>Air Quality</b>						
<b>Issues</b>	<b>New Potentially Significant Impact</b>	<b>New Less Than Significant With Mitigation Incorporated</b>	<b>New Less Than Significant Impact</b>	<b>Same Impact as “Approved Project”</b>	<b>Less Impact than “Approved Project”</b>	<b>Information Source(s)/ Discussion Location</b>
Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,8
Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,7
Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,7
Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,3,7
Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

#### 4.3.2.1 Clean Air Plan Consistency

An air quality plan describes air pollution control strategies to be implemented by a city, county, or region classified as a non-attainment area. The main purpose of an air quality plan is to bring an area into compliance with the requirements of federal and State air quality standards. The 2005 NSJ FEIR evaluated the program’s compliance with the Bay Area 2000 CAP and determined that implementation of the North San José Development Policies Update would result in a conflict with the CAP due to the increase in population projections associated with the project.

The most recent CAP is the Bay Area 2010 CAP. Determining consistency with the 2010 CAP involves assessing whether applicable control measures contained in the 2010 CAP are being implemented by the City and would be advanced by the proposed project. Implementation of control measures would improve air quality and protect public health. These control measures are organized into five categories: Stationary Source Measures, Mobile Source Measures, Transportation Control Measures (TCMs), Land Use and Local Impact Measures, and Energy and Climate Measures.

The project would include energy and climate measures to increase efficiency and conservation. The proposed project would comply with the City’s Green Building Ordinance and Policies, which would increase building efficiency over standard construction, and would include the mandatory requirements of the California Green Building Standards Code (California Code of Regulations, Title 24, Part 11). The project would also comply with the City’s Tree Ordinance to promote planting of shade trees to reduce urban heat island effects, save energy, and absorb carbon dioxide (CO<sub>2</sub>) and other air pollutants. In addition, the project site is located adjacent to the VTA Karina Station, which provides easy access to the Mineta San José International Airport (via the VTA Airport Flyer, which make frequent stops between the Airport and the VTA Metro Station) and Downtown San José. Therefore,

compared to a project at a distance from a light rail line, the proposed project would be expected to result in lower per capita single occupancy vehicle trips and associated air pollutant emissions.

Therefore, the project would not conflict with the goals of the CAP and is consistent with the City's Greenhouse Gas Reduction Strategy. Therefore, the project would be consistent with the Bay Area's 2010 CAP.

#### **4.3.2.2 Regional and Local Air Quality Impacts**

The proposed project would develop the site with new hotel uses. The new land use would result in mobile air quality impacts from increased vehicle trips to the project site and area source air quality impacts such as emissions generated from the use of landscaping equipment and water heating. Therefore, development of the proposed project would contribute to the significant regional and local air quality impacts identified in the certified 2005 NSJ FEIR, including long-term project-related emissions associated with the ozone precursors ROG and particulate matter. The proposed project, however, would not result in any new or more significant regional or local air quality impacts than those identified in the 2005 NSJ FEIR. The 2005 NSJ FEIR identified General Plan Policies and mitigation measures that would reduce vehicle trip generation and resulting emissions from the project. The policies and measures would reduce air quality impacts. However, regional emissions would remain significant and unavoidable, as identified in the 2005 NSJ FEIR.

**Impact AIR-1:** Long-term project-related regional emissions would exceed the BAAQMD thresholds of significance for the ozone precursors ROG and particulate matter. **(Same Impact as Approved Project)**

**Mitigation Measure:** The following mitigation measure reflects policies outlined in the 2005 NSJ FEIR as updated in the Marriott Residence Inn & Springhill Suites Hotel Addendum (File Nos. PDC08-037 and PD08-062) and would be implemented as part of the proposed project.

**MM AIR-1:** The project shall implement measures identified by BAAQMD to reduce long-term contributions to regional and local emissions, which may include, but are not limited to, the following:

- Providing secure and conveniently placed bicycle parking and storage facilities at parks and other facilities;
- Using electric lawn and garden equipment for landscaping maintenance;
- Constructing transit amenities such as bus turnouts/bus bulbs, benches, and shelters;
- Providing direct, safe, attractive pedestrian access from project land uses to transit stops and adjacent development; and
- Utilizing reflective (or high albedo) and emissive roofs and light colored construction materials to increase the reflectivity of roads, driveways, and other paved surfaces, and include shade trees near buildings to directly shield them from the sun's rays and reduce local air temperature and cooling energy demand.

#### 4.3.2.3 Construction-Related Impacts

Construction activities would temporarily affect local air quality. Construction-period activities such as earthmoving and construction vehicle traffic would generate exhaust emissions and fugitive particulate matter emissions that affect local and regional air quality. Construction activities are also a source of organic gas emissions. Solvents in adhesives, non-water-based paints, thinners, some insulating materials, and caulking materials would evaporate into the atmosphere and would participate in the photochemical reaction that creates urban ozone. Asphalt used in paving is also a source of organic gases for a short time after its application. Construction dust could affect local air quality at various times during construction of the project. The dry, windy climate of the area during the summer months creates a high potential for dust generation when, and if, underlying materials are exposed to the atmosphere. The effects of construction activities would be increased dustfall and locally elevated levels of particulate matter downwind of construction activity.

Development of the proposed project would result in similar construction-related, short-term air quality impacts to those identified in the 2005 NSJ FEIR. With implementation of Mitigation Measures for Construction Impacts identified in the 2005 NSJ FEIR, the proposed project would not result in any new or more significant construction-related air quality impacts beyond those identified in the 2005 NSJ FEIR, and this impact would be less than significant.

**Impact AIR-2:** Demolition and construction period activities could generate significant dust, exhaust, and organic emissions. **(Same Impact as Approved Project)**

**Mitigation Measure:** The following mitigation measure was identified as part of the 2005 NSJ FEIR and would also be implemented as part of the proposed project. Modifications to address new air pollutant reduction measures identified by BAAQMD are shown in underline below and would further reduce construction-related impacts already identified in the 2005 NSJ FEIR; these modifications do not address a new impact of the project that was not previously evaluated.

**MM AIR-2:** Consistent with guidance from the BAAQMD, the following actions shall be required of construction contracts and specifications.

*Demolition.* The following controls shall be implemented during demolition:

- Water during demolition work, including the break-up of pavement and infrastructure, to control dust generation;
- Cover all trucks hauling demolition debris from the site; and
- Use dust-proof chutes to load debris into trucks whenever feasible.

*Construction.* The following controls shall be implemented at all construction sites:

- Water all active construction areas at least twice daily and more often during windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers to control dust;
- Cover all trucks hauling soil, sand, and other loose materials;



- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites;
- Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality;
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets;
- Hydroseed or apply non-toxic soil stabilizers to inactive construction areas;
- Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);
- Limit traffic speeds on unpaved roads to 15 miles per hour (mph);
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways;
- Replant vegetation in disturbed areas as quickly as possible;
- Install baserock at entryways for all exiting trucks, and wash off the tires or tracks of all trucks and equipment in designated areas before leaving the site; and
- Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.

Consistent with guidance from the BAAQMD, the following additional measures shall be required of construction contracts and specifications for the project and shall be implemented at all times:

- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of the California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the City of San José regarding dust complaints. This person shall respond and take corrective action within 48 hours.

#### **4.3.2.4 Local Community Risk and Hazard Impacts to Sensitive Receptors**

The 2005 NSJ FEIR did not identify any significant sources of risk or hazard impacts within the project site vicinity. Since completion of the FEIR, the BAAQMD, through its *2011 CEQA Guidelines* document, has introduced new significance criteria and evaluation tools related to community health risk and hazard impacts. The new criteria went into effect on May 1, 2011 and are described below.

The threshold of significance for local community risk and hazard impacts applies to the siting of a new receptor. Local community risk and hazard impacts are associated with Toxic Air Contaminants (TACs) and PM<sub>2.5</sub> because emissions of these pollutants can have significant health impacts at the local level. If emissions of TACs or PM<sub>2.5</sub> at a receptor site exceed any of the thresholds listed below, the proposed project would result in a significant impact, or would make a significant contribution to a cumulative impact.

- Non-compliance with a qualified Community Risk Reduction Plan;
- An excess cancer risk level of more than 10 in one million, or a non-cancer (i.e., chronic or acute) hazard index greater than 1.0 would be a significant cumulatively considerable contribution; or
- An incremental increase of greater than 0.3 micrograms per cubic meter (µg/m<sup>3</sup>) annual average PM<sub>2.5</sub> from a single source would be a significant cumulatively considerable contribution.

A project and other nearby projects would result in a cumulatively considerable impact if the aggregate total of all past, present, and foreseeable future sources within a 1,000-foot radius from the fence line of a source, or from the location of a receptor, plus the contribution from the project, exceeds the following:

- Non-compliance with a qualified Community Risk Reduction Plan;
- An excess cancer risk level of more than 100 in one million or a chronic non-cancer hazard index (from all local sources) greater than 10.0; or
- 0.8 µg/m<sup>3</sup> annual average PM<sub>2.5</sub>.

The City of San José is currently working with the BAAQMD on the development of a Community Risk Reduction Plan to address reducing exposures of residents to TACs and PM<sub>2.5</sub> emissions from all sources. The plan has not yet been adopted and implemented; therefore, the criterion related to compliance with a Community Risk Reduction Plan does not apply at this time.

The City of San José has been identified as an impacted community under the BAAQMD's Community Air Risk Evaluation (CARE) program, which was initiated in 2004 to evaluate and reduce health risk associated with exposures to outdoor TACs in the Bay Area. The BAAQMD has developed an inventory of TAC emissions and compiled demographic and health indicator data. According to the findings of the CARE Program, diesel particulate matter, mostly from on- and off-road mobile sources, accounts for over 80 percent of the inhalation cancer risk from TACs in the Bay Area.

Any project with the potential to expose sensitive receptors (including residential areas) or the general public to substantial levels of toxic air contaminants would be deemed to have a significant impact. This would apply to locating sensitive receptors near existing sources of toxic air contaminants, as well as locating sources of toxic air contaminants near existing sensitive receptors. Sensitive receptors are facilities that house or attract children, the elderly, and people with illnesses or others who are especially sensitive to the effects of air pollutants. Hospitals, schools, convalescent facilities, and residential areas are examples of sensitive receptors. No such uses are located within 0.25 miles of the project site.

The project may include standby emergency generators to provide power to the hotels in the event of loss of electricity. Generator location and other specifics are unknown at this time. However additional environmental review would be completed by the City of San José prior to issuance of a development permit allowing the installation of generators. Additionally, the installation of any generators would be required to comply with BAAQMD air quality standards and permitting requirements, which would require generator-related toxic air contaminant impacts to be reduced to a less-than-significant level.

#### **4.3.2.5 Objectionable Odors**

The 2005 NSJ FEIR did not identify any significant odor impacts associated with implementation of the North San José Development Policies Update. Similarly, the proposed project would not contain any major sources of odor, and would not be located in an area with existing objectionable odors (exhaust from nearby U.S. 101 would not be expected to pose odor concerns to hotel occupants and employees due to the provision of air filtration systems that are standard features in hotels). Therefore, impacts associated with exposure to odors would be less than significant.

#### **4.3.3 Conclusion**

The proposed project, with implementation of Mitigation Measures AIR-1 and AIR-2 (as modified), identified in the 2005 NSJ FEIR, would not result in any new or more significant air quality impacts than previously identified. The proposed project would result in the same criteria air pollutant emissions impacts as previously identified. The proposed project would also result in the same construction period impacts as identified in the 2005 NSJ FEIR, with mitigation incorporated. No new information of substantial importance has been identified in regard to the proposed project or the project site such that the proposed project would be expected to result in new significant air quality impacts.

## **4.4 BIOLOGICAL RESOURCES**

### **4.4.1 Setting**

The approximately 6-acre site is located in an urban area near Downtown San José, is mostly without vegetation, and consists of commercial buildings, asphalt pavement, and concrete surfaces. Trees and shrubs have been planted along the sidewalks that surround the site, and within landscaping strips along the interior of the site. No creeks or habitat for special-status species are located on the project site. The Guadalupe River, the nearest major waterway to the site, is located approximately 1,500 feet south of the site, across U.S. 101. Developed lands provide minimal habitat for locally occurring wildlife species. Amphibian and reptiles would not be expected to utilize the project site on a regular basis as part of their home range or for movement, due to the lack of suitable habitat. However, a number of bird and mammalian species commonly associated with urban environments could intermittently occur on-site.

### **4.4.2 Regulatory Framework**

#### **4.4.2.1 Special-Status Species**

State and federal endangered species legislation has provided the California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Species listed as “threatened” or “endangered” under provisions of the State and federal Endangered Species Acts, candidate species for such listing, state species of special concern, and some plants listed as endangered by the California Native Plant Society (CNPS) are collectively referred to as “species of special status.” State and federal laws also protect most bird species. The Federal Migratory Bird Treaty Act prohibits killing, possessing, or trading in migratory birds, except in accordance with regulations prescribed by the Secretary of the Interior. The project site, which is predominantly paved, contains commercial buildings and surface parking lots, and does not provide habitat for special-status plant or animal species.

#### **4.4.2.2 Jurisdictional Waters**

Jurisdictional waters include rivers, creeks, and drainages that have a defined bed and bank that, at the very least, carry ephemeral flows. Jurisdictional waters also include lakes, ponds, reservoirs, and wetlands. Such waters may be subject to the regulatory authority of the U.S. Army Corps of Engineers (USACE), CDFW, and the California Regional Water Quality Control Board (Water Board). As noted above, the Guadalupe River is located approximately 1,500 feet south of the project site and is the jurisdictional water in closest proximity to the project site.

#### **4.4.2.3 Envision San José 2040 General Plan**

The Envision San José 2040 General Plan provides policies which address biological resources. Policies from the General Plan that are relevant to the proposed project include:

- Policy CD-1.23: Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
- Policy CD-1.24: Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Avoid any adverse effect on the health and longevity of such trees through design measures, construction, and best maintenance practices. When tree

preservation is not feasible, include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.

- Policy MS-21.3: Ensure that San José's Community Forest is comprised of species that have low water requirements and are well adapted to its Mediterranean climate. Select and plant diverse species to prevent monocultures that are vulnerable to pest invasions. Furthermore, consider the appropriate placement of tree species and their lifespan to ensure the perpetuation of the Community Forest.
- Policy MS-21.4: Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.
- Policy MS-21.5: As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.
- Policy MS-21.6: As a condition of new development, require the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.
- Policy ER-5.2: Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
- Policy ER-6.5: Prohibit use of invasive species, citywide, in required landscaping as part of the discretionary review of proposed development.
- Policy ER-6.6: Encourage the use of native plants in the landscaping of developed areas adjacent to natural lands.

#### 4.4.2.4 City of San José Tree Ordinance

The City of San José Tree Removal Controls Ordinance is intended to protect all trees having a trunk which measures 56 inches or more in circumference (18 inches in diameter) at the height of 24 inches above the natural grade of slope.<sup>7</sup> These trees are defined as "ordinance-size" trees and this ordinance protects both native and non-native tree species. A removal permit is required from the City of San José for the removal of "ordinance-size" trees. The City also requires all trees proposed to be removed to be replaced at the following ratios listed in Table 2. The species and exact number of trees to be planted on the site will be determined at the development permit stage, in consultation with the City Arborist and the Department of Planning, Building, and Code Enforcement.

**Table 2: City of San José Tree Replacement Ratios**

Diameter of Tree to be Removed	Type of Tree to be Removed <sup>a</sup>			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
18 inches or greater	5:1	4:1	3:1	24-inch box
12 to 18 inches	3:1	2:1	None	24-inch box
Less than 12 inches	1:1	1:1	None	15-gallon container

Note: Trees greater than 18 inches in diameter may not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.

<sup>a</sup> x:x = tree replacement to tree loss ratio

Source: City of San José, 2013.

<sup>7</sup> San José, City of. Municipal Code, Sections 13.32, Tree Removal Controls.



#### 4.4.2.5 City of San José Heritage Trees

Under the City of San José Municipal Code, Sections 13.28.330 and 13.32.090, specific trees are found to have a special significance to the community and are designated “Heritage Trees,” because of factors including, but not limited to, their history, girth, height, species, or unique quality.

#### 4.4.2.6 Santa Clara Valley Habitat Conservation Plan/Natural Communities Conservation Plan

The City of San José and several partner agencies, including the County of Santa Clara, the Santa Clara Valley Water District (SCVWD), and the Santa Clara Valley Transportation Authority (SCVTA), adopted a multi-species Habitat Conservation Plan for the Santa Clara Valley in January 2013.<sup>8</sup> The project site is classified as “Urban – Suburban” in the Santa Clara Valley Habitat Plan.

#### 4.4.3 Environmental Checklist and Discussion of Impacts

<b>Biological Resources</b>						
<b>Issues</b>	<b>New Potentially Significant Impact</b>	<b>New Less Than Significant With Mitigation Incorporated</b>	<b>New Less Than Significant Impact</b>	<b>Same Impact as “Approved Project”</b>	<b>Less Impact than “Approved Project”</b>	<b>Information Source(s)/ Discussion Location</b>
Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
Have a substantial adverse effect on any aquatic, wetland, or riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

<sup>8</sup> Santa Clara, County of, et al., 2013. *Santa Clara Valley Habitat Plan*. Website: [www.scv-habitatplan.org/www/site/alias\\_default/1/home.aspx](http://www.scv-habitatplan.org/www/site/alias_default/1/home.aspx) (accessed March 16, 2014).

<b>Biological Resources</b>						
<b>Issues</b>	<b>New Potentially Significant Impact</b>	<b>New Less Than Significant With Mitigation Incorporated</b>	<b>New Less Than Significant Impact</b>	<b>Same Impact as “Approved Project”</b>	<b>Less Impact than “Approved Project”</b>	<b>Information Source(s)/ Discussion Location</b>
Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,6
Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,9

#### 4.4.2.7 Protected Plants and Wildlife

As described in the 2005 NSJ FEIR, the Policies Area consists of land previously altered by development and agriculture. Biological evaluations and reconnaissance-level surveys conducted as part of the 2005 NSJ FEIR indicate that habitat types known to support special-status plant species do not occur on the project site. No special-status plant species were observed within the project site and it is unlikely any special-status plant species have the potential to occur within the project site.

All of the 33 existing trees on the project site would be removed as part of the project. These trees would be replaced with 307 new trees. With the implementation of the following mitigation measures, the potential impacts to special-status plant and animal species due to the implementation of the project would not exceed those identified in the 2005 NSJ FEIR.

**Impact BIO-1:** Removal of trees and landscaping from the site could impact birds utilizing those trees as habitat. **(Same Impact as Approved Project)**

**Mitigation Measure:** The following mitigation measure is adapted from the 2005 NSJ FEIR and would also be implemented as part of the proposed project.

**MM BIO-1a:** Nesting birds protected by the Migratory Bird Treaty Act and other regulations may be impacted by construction during the bird breeding season from February through August. Ideally the clearing of vegetation and the initiation of construction would be done in the non-breeding season from September through January. If these activities cannot be done in the non-breeding season, a qualified biologist shall perform pre-construction breeding bird surveys within 14 days of the onset of construction or clearing of vegetation. The survey area should encompass the project area and the areas within a 100 foot buffer. If active nests or behavior indicative of active nests are encountered, those areas plus a 50-foot buffer for small songbirds and 250-foot buffer for larger birds (e.g. raptors) designated by the biologist in coordination with California Department of Fish and Game shall be avoided until the nests have been vacated. If the work areas are left unattended for more than 1 week following the initial surveys, additional surveys shall be completed.

**MM BIO-1b:** If surveys confirm that a site is occupied habitat, or that a nest exists that could be disturbed by proposed development, then additional mitigation and avoidance measures to minimize or avoid impacts to the raptors, their burrows or nests, and foraging habitat and shall be identified and implemented.

The project site is almost completely paved and does not contain burrowing owl habitat. Therefore, development of the project would not affect burrowing owl, a species which may be found elsewhere in the Policies Area.

#### **4.4.2.8 Riparian Habitat**

As described above, and in the 2005 NSJ FEIR, the project site is not located in an area that supports riparian habitat or other sensitive natural communities.

#### **4.4.2.9 Federally Protected Wetlands**

As described above, and in the 2005 NSJ FEIR, the project site is not located in an area that supports any wetlands, drainages, or water bodies as defined by Section 404 of the Clean Water Act. The project site is located in an urban area, on a developed site.

#### **4.4.2.10 Wildlife Movement Corridors**

As described above, and in the 2005 NSJ FEIR, the project site is primarily covered with asphalt and pavement and has been developed with urban uses. Because the project site is located in an urban environment, there are no major wildlife movement corridors that pass through the site. Therefore, the proposed project would not substantially interfere with the movement of established, native resident or migratory fish or wildlife species and would not create impacts that would exceed those evaluated in the 2005 NSJ FEIR.

#### **4.4.2.11 Ordinance Size Trees**

The 2005 NSJ FEIR does not contain a comprehensive tree survey. As noted in the 2005 NSJ FEIR, most of the trees in the Policies Area, including those at the project site, are landscape trees planted in bermed landscaping strips in parking lots. As a result, many of the trees are shallow rooted and unhealthy.

A site specific tree survey was conducted at the project site in accordance with the City's Tree Protection Ordinance. There are currently 33 trees on the project site, of which 14 are "ordinance-sized" trees protected under the provisions of Municipal Code Section 13.32.020. All 33 trees on the site would be removed.<sup>9</sup> Approximately 307 trees would be planted on the site, encompassing a range of exotic species, including columnar red maple (*Acer rubrum* "armstrong"), fruitless olive (*Olea* "swan hill"), and evergreen elm (*Ulmus parvifolia* "true green"). Shrubs and groundcover would also be planted throughout the site. The project applicant would apply to the City of San José for a tree removal permit, and the proposal would take into consideration the number, age, size, condition and species of the trees.

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<sup>9</sup> McClenahan Consulting, LLC, 2014. *Arborist Report, 2103 N First Street & 90 Karina Court, San Jose, CA*. March 28.

The 2005 NSJ FEIR recognizes that the impacts of the high intensity, transit-oriented redevelopment of the area, including redevelopment of the project site, would require removal of many trees. The loss of trees would be a significant impact that would require compensation. The proposed project would not create impacts that would exceed those evaluated in the 2005 NSJ FEIR.

Implementation of the following Standard Measures would reduce the impacts of the loss of trees to a less than significant level.

**Standard Measures:** The proposed project would incorporate the following Standard Measures:

- Comply with the City of San José Tree Protection Ordinance
- Comply with San José Municipal Code Section 13.28
- Comply with Envision San José 2040 General Plan Policies MS-21.4, MS-21.5, MS-21.6, MS-21.8, and CD-1.24.

#### **4.4.2.12 Conservation Plans**

As previously described, the project site is not identified as containing protected habitat in the Santa Clara Valley Habitat Plan. Therefore, the proposed project would not conflict with the conservation strategies of the Habitat Plan or any other local, regional, or State plans that protect biological resources.

#### **4.4.3 Conclusion**

Implementation of Envision San José 2040 General Plan policies, the Standard Measure identified above, and Mitigation Measure BIO-1 would ensure that implementation of the proposed project would not result in any new or more significant impacts to biological resources beyond those identified in the certified 2005 NSJ FEIR.

## 4.5 CULTURAL RESOURCES

### 4.5.1 Setting

The project site is developed with commercial and warehouse uses and does not contain identified cultural resources (including archaeological resources or buildings). The site was used for farming from at least 1939 to approximately 1965. The showroom/maintenance building, sales office, and garage/shop at 2103 North First Street were constructed in 1967. The warehouse/office structure located at 90 Karina Court was constructed in 1981.

In the Bay Area, rivers and creeks are often associated with archaeological resources because they provided good places for settlement and fishing. Because the project site is located in relatively close proximity (approximately 1,500 feet north) of the Guadalupe River, it has the potential to contain prehistoric and historic archaeological resources. As discussed in the 2005 NSJ FEIR, prehistoric archaeological resources within the Policies Area are typically midden sites formed through intensive human occupation, and may contain charcoal flecks, baked and vitrified clay, fire-affected rock, shellfish and faunal remains, and chipped and ground stone artifacts. In addition, Native American burial remains are often present in midden deposits.

The Industrial Core Area identified in the North San José Development Policies Update, which encompasses the project site, is considered sensitive for archaeological resources, due to the presence of recorded prehistoric resources in the area (although no such resources have been identified in the project site). In addition, historic-era archaeological resources may also be located in the area, including the project site.

The buildings constructed in 1967 are the only buildings on the site that are over 45 years old. As noted in the 2005 NSJ FEIR, consistent with City policy, buildings over 45 years old are required to be evaluated for their architectural and historical significance. LSA conducted a preliminary screening assessment of the structures built in 1967 and determined that they are not eligible for listing on the California Register of Historic Places, and do not meet other criteria that would qualify them as historic resources pursuant to CEQA. The buildings are modest examples of Modern style architecture, a style popular in retail commercial building design during the mid-20<sup>th</sup> century, and are not historically significant. The warehouse/office structure constructed in 1981, due to its age, is not considered a historic resource pursuant to CEQA.

### 4.5.2 Environmental Checklist and Discussion of Impacts

Cultural Resources						
Issues	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Information Source(s)/ Discussion Location
Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

<b>Cultural Resources</b>						
<b>Issues</b>	<b>New Potentially Significant Impact</b>	<b>New Less Than Significant With Mitigation Incorporated</b>	<b>New Less Than Significant Impact</b>	<b>Same Impact as “Approved Project”</b>	<b>Less Impact than “Approved Project”</b>	<b>Information Source(s)/ Discussion Location</b>
Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

#### 4.5.2.1 Historic Resources

As noted above, the buildings located on the site are not considered historic resources. Therefore, the proposed project would not result in impacts to buildings that are historic resources. Archaeological resources that may date from the prehistoric or historic periods are discussed below.

#### 4.5.2.2 Prehistoric and Historical Archaeological Resources

No archaeological resources have been identified on the project site. However, as noted in the 2005 NSJ FEIR, the project site and its surroundings are considered sensitive for archaeological resources, particularly prehistoric resources such as middens. Construction activities could adversely affect previously-unidentified archaeological resources on the project site. However, implementation of the following mitigation measures from the 2005 NSJ FEIR (as modified) would reduce impacts to previously-unidentified archaeological resources to a less-than-significant level. No new impacts to archaeological resources would occur beyond those already identified in the 2005 NSJ FEIR.

**Impact CULT-1:** Construction activities at the project site could disturb previously unidentified archaeological resources. **(Same Impact as Approved Project)**

**Mitigation Measure:** The following mitigation measures are identified as part of the 2005 NSJ FEIR and would be implemented as part of the proposed project.

**MM CULT-1:** In keeping with General Plan policies and consistent with current planning practice in the City of San José, any specific development proposal to develop or redevelop property in the project area, including any proposal to construct new infrastructure or other physical improvements that would include any disturbance of native soil (i.e., soil that is not imported fill), will be accompanied by an updated Archaeological Resources Assessment Report (as described below) prepared by a qualified archaeologist that identifies the status of the site vis-à-vis known cultural resources.

Development proposals within the Urban Industrial Core, including parcels in the vicinity of Karina Court and O’Neil Drive, shall be accompanied by an Archeological Resources Assessment Report, including a records search and field inventory.



- The Archaeological Resources Assessment Reports will:
  1. Address the potential for prehistoric and historic resources through a review of compliance reports completed and on file at the Northwest Information Center (NWIC) coupled with any other supplementary archival research including the baseline data in this report;
  2. Complete a field inventory of the property (only if the property has not been subject to a previous inventory);
  3. Identify any resources or potential resources that might be affected by the project; and
  4. Present project recommendations and a mitigation strategy that focuses on a minimal impact strategy on identified and potential resources and stresses the preservation and/or avoidance of an identified resource rather than mitigation through data recovery.
- Management recommendations should consider either subsurface testing to determine the horizontal and vertical extent, integrity and significance of potential cultural deposits in high-sensitivity areas and/or archaeological monitoring of subsurface construction if a site testing program is not possible or inappropriate.
- Reporting and evaluation requirements should be in accordance with current archaeological standards (e.g., Archaeological Resource Management Reports (ARMR): Recommended Contents and Format, California Office of Historic Preservation, Preservation Planning Bulletin 4(a); any internal City of San José reporting standards for cultural resources reports including Guidelines for Historic Reports) and evaluation criteria (e.g., National Register of Historic Places, California Register of Historical Resources; City of San José Historic Resources Inventory Guidelines). All research should be undertaken by professionals who meet the requirements of the California State Office of Historic Preservation for their respective disciplines.
- Whether the project is public or private, appropriate language regarding the sensitivity of the proposed project area for archaeological resources should be inserted in the General Conditions section of any construction contract requiring subsurface disturbance and the contractor cautioned on the legal and/or regulatory implications of knowingly destroying cultural resources or removing artifacts, human remains, bottles and other cultural materials from the project. Furthermore, the language should also detail the procedures to be followed by the contractor for any archaeological monitoring requirements and requirements in the event of an inadvertent exposure of cultural resources.
- The need for preparation of an updated Archaeological Resources Assessment Report, as described previously, for properties previously inventoried and reported will be determined by the Department of Planning, Building, and Code Enforcement after an initial review of likely project impacts and any available cultural resources documentation including the base line data in the NSJ FEIR. An updated report will be undertaken if the project has a recorded resource(s) present or a potential

resource(s) is present and an evaluation of the resource(s) was not completed during the previous study(ies).

- Prior to approval of a Site Development or Planned Development Permit, the preparation of an Historic Properties Treatment Plan (HPTP) by a professional archaeologist will be required for any development project on a property that has: 1) a recorded archaeological site present that has been determined eligible for or is listed on one of the registers and/or is adjacent to a parcel with a recorded site that has been determined eligible for or is listed on one of the registers; or, 2) a potential for significant subsurface cultural resources identified through either archival research and/or site testing (see Table 27 of the 2005 NSJ FEIR). The Industrial Core Area is extremely sensitive for both recorded and unknown prehistoric resources which are likely to yield Native American burials. Residential areas adjacent to the Urban Industrial Core also appear to have some sensitivity.

The HPTP should provide a background context for the parcel/resources and appropriate guidelines for considering and protecting cultural resources during any future development or modification of the site. The plan should include resource protection and monitoring plans for both prehistoric and historic archaeological resources as well as methods and procedures to deal with inadvertent cultural discoveries that may be exposed during subsurface construction. In the case of parcels that have only been partially inventoried but have either known sites or potential cultural resource properties present and/or adjacent, the HPTP should include a records review and field inventory. Any new findings should be incorporated into the HPTP guidelines.

**MM CULT-2:** The following measures shall be implemented if cultural resources are discovered during project construction activities:

In the event any significant cultural materials are encountered, all construction within a radius of 50 feet of the find would be halted, the Director of Planning, Building, and Code Enforcement would be notified, and a professional archaeologist will examine the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. Recommendations could include collection, recordation, and analysis of any significant cultural materials.

- If human remains are discovered, the Santa Clara County Coroner will be notified. The Coroner would determine whether or not the remains are Native American. If the Coroner determines that the remains are not subject to its authority, it would notify the Native American Heritage Commission, which would attempt to identify “most likely” descendants of the deceased.
- If the Director of Planning, Building, and Code Enforcement finds that the archaeological find is not a significant resource, work would resume only after the submittal of a preliminary archaeological report and after provisions for reburial and ongoing monitoring are accepted. A final

report would be prepared when a find is determined to be a significant archaeological site, and/or when Native American remains are found on the site. The final report would include background information on the completed work, a description and list of identified resources, the disposition and curation of these resources, other recovered information, and conclusions.

#### **4.5.2.3 Paleontological Resources**

The project site is flat, completely developed, and does not contain any rock formations or other unique geologic features. Paleontological resources may be encountered during construction activities associated with the project. However, impacts to such resources would be reduced to a less-than-significant level with implementation of Mitigation Measure CULT-2, above (under which “cultural materials” would be defined to include fossils).

#### **4.5.2.4 Disturbance of Human Remains**

No human remains have been identified on the project site. However, the middens that may occur in the Policies Area, including the project site, may contain human remains. Construction activities on the site could adversely affect such remains. Implementation of Mitigation Measures CULT-1 and CULT-2, above, would reduce impacts to potential human remains to a less-than-significant level. These potential impacts would not exceed those already identified in the 2005 NSJ FEIR.

#### **4.5.3 Conclusion**

Implementation of Mitigation Measures CULT-1 and CULT-2 would ensure that implementation of the proposed project would not result in any new or more significant impacts to cultural resources beyond those identified in the certified 2005 NSJ FEIR.

## **4.6 GEOLOGY AND SOILS**

### **4.6.1 Setting**

#### **4.6.1.1 Geological Features**

As identified in the 2005 NSJ FEIR, the Policies Area is located at the western coastal margin of the Coast Range Geomorphic Province of Northern California, a relatively geologically young and seismically active region on the western margin of the North American plate. The approximately 6-acre project site is located within a flat urbanized area.

The Policies Area is roughly bordered by the Guadalupe River and Coyote Creek, two perennial streams which drain from the Santa Cruz Mountains in a northwesterly direction to San Francisco Bay. No open creek or stream channels cross the project site; the nearest open water is the Guadalupe River, located approximately 1,500 feet south of the project site.

#### **4.6.1.2 Soil Conditions**

As described in the 2005 NSJ FEIR, the soils mapped in the Policies Area consist of six different types, and include Copley and Willows, which exhibit high shrink-swell behavior. Expansive soils undergo large volume changes with changes of moisture content and may undergo significant strength reduction when saturated. Soils with moderately expansive characteristics can cause damage to substandard structures. Additionally, the Policies Area also contains weak soils, which can undergo significant settlement when overloaded with man-made fills or structures.

Groundwater in parts of North San José can be found at depths as high as 5 feet below the ground surface, and levels are generally highest near the Guadalupe River and Coyote Creek.

#### **4.6.1.3 Seismicity and Seismic Hazards**

The entire San Francisco Bay Area is located within the San Andreas Fault Zone (SAFZ), a complex of active faults forming the boundary between the North American and Pacific lithospheric plates. Numerous moderate to strong historic earthquakes have been generated in northern California by the SAFZ. The level of active seismicity results in classification of the area as seismic risk Zone 4 (the highest risk category) in the California Building Code.

The SAFZ includes numerous faults found by the California Geological Survey under the Alquist-Priolo Earthquake Fault Zoning Act (A-PEFZA) to be “active” (i.e., to have evidence of fault rupture in the past 11,000 years). As discussed in the 2005 NSJ FEIR, there are no known active faults crossing the project site. The Policies Area is approximately 6 miles southwest of the Hayward Fault, 8 miles southwest of the Calaveras Fault, and 12 miles northeast of the northern segment of the San Andreas Fault. The Silver Creek Fault is thought to exist very near, or on the project site; however, it has not been included on maps issued by the California Division of Mines and Geology, due to the fact that it has not ruptured within the last 11,000 years, and is therefore not considered a significant seismic source for ground shaking.

##### **4.6.1.3.1 Surface Rupture**

Surface rupture occurs when the ground surface is broken due to fault movement during an earthquake. The location of surface rupture generally can be assumed to be along an active or potentially active major fault trace. No active faults have been mapped at the project site. Therefore, potential for fault rupture at the site is low.

#### 4.6.1.3.2 Ground Shaking

Ground shaking is a general term referring to all aspects of motion of the earth's surface resulting from an earthquake, and is normally the major cause of damage in seismic events. The extent of ground shaking is controlled by the magnitude and intensity of the earthquake, distance from the epicenter, and local geologic conditions. The Modified Mercalli Intensity Scale (MMI) is the most commonly used scale for measurement of the subjective effects of earthquake intensity. A related concept, acceleration, is measured as a fraction or percentage of the acceleration under gravity (g). A seismic event on the San Andreas Fault is considered capable of generating a moment magnitude scale (Mw) 7.9 maximum earthquake. A combined North and South Hayward Fault event is estimated to be capable of producing a Mw 6.9 earthquake. Either of these events would generate very strong seismic shaking (MMI VIII) at the project site.<sup>10</sup>

#### 4.6.1.3.3 Liquefaction

Liquefaction is the temporary transformation of loose, saturated granular sediments from a solid state to a liquefied state as a result of seismic ground shaking. In the process, the soil undergoes transient loss of strength, which commonly causes ground displacement or ground failure to occur. Since saturated soils are a necessary condition for liquefaction, soil layers in areas where the groundwater table is near the surface have higher liquefaction potential than those in which the water table is located at greater depths.

The project site is located within a State of California-defined Liquefaction Hazard Zone. The vicinity of the site is rated as having a moderate liquefaction hazard area by Association of Bay Area Governments (ABAG) studies.<sup>11</sup> The susceptibility (i.e., the degree of hazard combined with the likelihood of occurrence) at the site for liquefaction is rated as moderate by ABAG.<sup>12</sup> Ground water levels within the Policies Area have been observed within 5 feet of the surface, and potentially liquefiable soils are present within the Policies Area.

#### 4.6.1.3.4 Lateral Spreading

Lateral spreading is a form of horizontal displacement of soil toward an open channel or other "free" face, such as a ditch. The lateral spreading hazard will tend to mirror the liquefaction hazard for the project, and by definition needs an open channel or "free" face to expand into; this can include temporary excavations resulting from the construction process.

#### 4.6.1.3.5 Expansive Soils

Expansion and contraction of volume can occur when expansive soils undergo alternating cycles of wetting (swelling) and drying (shrinking). During these cycles, the volume of the soil changes markedly. As a consequence of such volume changes, structural damage to buildings and infrastructure may occur if the potentially expansive soils were not considered in project design and during construction. Alluvium can develop into compressible or expansive soils. Regional mapping indicates

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<sup>10</sup> Association of Bay Area Governments, 2013. Earthquake Shaking Scenario Map. Website: [quake.abag.ca.gov/earthquakes/santaclara](http://quake.abag.ca.gov/earthquakes/santaclara) (accessed March 17, 2014).

<sup>11</sup> Association of Bay Area Governments, 2001. Liquefaction Hazard Map for San José, Scenario: North and South Hayward Earthquake. Website: [www.abag.ca.gov/cgi-bin/pickmapliq.pl](http://www.abag.ca.gov/cgi-bin/pickmapliq.pl) (accessed March 17, 2014).

<sup>12</sup> Association of Bay Area Governments, 2003. Liquefaction Susceptibility Map for San José, Scenario: North and South Hayward Earthquake. Website: [www.abag.ca.gov/cgi-bin/pickmapliq.pl](http://www.abag.ca.gov/cgi-bin/pickmapliq.pl) (accessed March 17, 2014).

the risk of expansive soils for the project site vicinity to be moderate to high. Therefore, the risk of expansive soils in the project site should be considered to be moderate to high unless site-specific investigations determine otherwise.

#### **4.6.1.3.6 Slope Stability**

Slope failure can occur as either rapid movement of large masses of soil (“landslide”) or slow, continuous movement (“creep”). The primary factors influencing the stability of a slope are:

1. the nature of the underlying soil or bedrock;
2. the geometry of the slope (height and steepness);
3. rainfall; and
4. the presence of previous landslide deposits.

The site is nearly flat and located in the middle of a large alluvial plain with no adjacent or nearby sloping land features. Regional mapping shows that the project site and surrounding area are mapped as Category 1: stable areas of 0 to 5 percent slope that are not underlain by landslide deposits.

#### **4.6.1.4 Envision San José 2040 General Plan**

The Envision San José 2040 General Plan provides policies which address soils, geology, and hazards. Policies from the General Plan that are relevant to the proposed project include:

- Policy EC-3.1: Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.
- Policy EC-3.2: Within seismic hazard zones identified under the Alquist-Priolo Fault Zoning Act, California Seismic Hazards Mapping Act and/or by the City of San José, complete geotechnical and geological investigations and approve development proposals only when the severity of seismic hazards have been evaluated and appropriate mitigation measures are provided as reviewed and approved by the City of San José Geologist. State guidelines for evaluating and mitigating seismic hazards and the City-adopted California Building Code will be followed.
- Policy EC-3.3: The City of San José Building Official shall require conformance with State law regarding seismically vulnerable unreinforced masonry structures within the City.
- Policy EC-3.10: Require that a Certificate of Geologic Hazard Clearance be issued by the Director of Public Works prior to issuance of grading and building permits within defined geologic hazard zones related to seismic hazards.
- Policy EC-4.1: Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.
- Policy EC-4.2: Approve development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.
- Policy EC-4.4: Require all new development to conform to the City of San José’s Geologic Hazard Ordinance.



- Policy EC-4.5: Ensure that any development activity that requires grading does not impact adjacent properties, local creeks and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of 1 acre or more, are adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 15 and April 15.
- Policy EC-4.11: Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.
- Policy EC-4.12: Require review and approval of grading plans and erosion control plans (if applicable) prior to issuance of a grading permit by the Director of Public Works.

#### 4.6.2 Environmental Checklist and Discussion of Impacts

<b>Geology and Soils</b>						
<b>Issues</b>	<b>New Potentially Significant Impact</b>	<b>New Less Than Significant With Mitigation Incorporated</b>	<b>New Less Than Significant Impact</b>	<b>Same Impact as "Approved Project"</b>	<b>Less Impact than "Approved Project"</b>	<b>Information Source(s)/ Discussion Location</b>
Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

#### 4.6.2.1 Seismicity and Seismic Hazards

All structures in the Bay Area could be affected by ground shaking in the event of an earthquake along regional active faults. The amount of ground shaking depends on the magnitude of the earthquake, the distance from the epicenter, and the type of earth materials in between. Very strong ground shaking is expected at the project site during expected earthquakes on the Hayward, San Andreas, and other regional faults. This level of seismic shaking could cause extensive nonstructural damage to buildings at the site. In addition, limited structural damage may occur.

However, as described in the 2005 NSJ FEIR, the proposed project would not be expected to expose people or structures to substantial risk of loss, injury, or death from rupture of a known earthquake fault as delineated by the State Geologist, as the site is not located within an active or potentially active fault zone as defined by the A-PEFZA. The proposed project would not be subject to substantial risk from landslides, as the site is relatively flat and is not underlain by, nor adjacent to, an area subject to slope hazards. The proposed project is not located on an unstable geologic unit, the development of which would be subject to, or contribute to, on- or off-site fault rupture, landslide, or subsidence.

The site is located within a California Department of Conservation Seismic Hazard Zone, as defined by the Seismic Hazards Mapping Act. Specifically, the project site falls within a liquefaction hazard zone. Regional mapping by ABAG also indicates moderate susceptibility to liquefaction within the project site.

Implementation of the Envision San José 2040 General Plan policies described above and Standard Measure described below would ensure that development of the proposed project would not result in any new or more significant seismic related hazard impacts than identified in the 2005 NSJ FEIR.

**Standard Measure:** The following Standard Measure, as identified in the 2005 NSJ FEIR, would be required as part of project approval:

- The project would be required to comply with the 2010 California Building Code guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking and seismic-related hazards on the site.

#### 4.6.2.2 Unstable and Expansive Soils

Soils underlying the project site have moderate to high shrink/swell potential. This condition could significantly damage structures and utilities. Structural damage, warping, and cracking of roads and other infrastructure, and rupture of utility lines may occur if the potential expansive soils are not considered during design and construction of improvements. Additionally, groundwater levels within the site may approach 5 feet or less below the ground surface. Below-grade excavations and planned utilities extending near or below the groundwater would most likely require dewatering and/or soil stabilization.

In addition to compliance with the Envision San José 2040 General Plan policies that are described above, the proposed project would be required to implement Mitigation Measure GEO-1, identified below, to reduce potential impacts associated with unstable site soils. Implementation of these measures would ensure that the risks associated with unstable and expansive soils would be less than significant with implementation of the proposed project.

**Impact GEO-1:** Structures or property at the project site could be adversely affected by expansive soils or by settlement of project soils. **(Same Impact as Approved Project)**

**Mitigation Measure:** The following mitigation measure is identified as part of the 2005 NSF FEIR and would be implemented as part of the proposed project.

**MM GEO-1a:** Detailed site specific soils and geologic investigations would be required prior to design and construction of all future new structures within the project area. These investigations would assess the existing soil conditions and groundwater conditions to be considered for structural design and construction and must be completed by the project prior to issuance of a Public Works Clearance and Building Permit.

**MM GEO-1b:** Extension of public utilities and infrastructure to serve development in the project area would be required to be designed to withstand seismic and structural damage in conformance with General Plan policy.

#### **4.6.2.3 Septic Tanks**

Project construction and operation would not involve the use of septic tanks or alternative wastewater disposal systems. Therefore, no impact would result.

#### **4.6.3 Conclusion**

The proposed project, with implementation of the above Standard Measure and Mitigation Measure GEO-1a and 1b, would not result in new or more significant geologic impacts than those identified in the certified 2005 NSJ FEIR.

## 4.7 GREENHOUSE GAS EMISSIONS

The following discussion evaluates the project's impact on greenhouse gas (GHG) emissions.

### 4.7.1 Setting

Greenhouse Gasses (GHGs) are present in the atmosphere naturally, are released by natural sources, or are formed from secondary reactions taking place in the atmosphere. However, over the last 200 years, human activities have caused substantial quantities of GHGs to be released into the atmosphere. These extra emissions are increasing GHG concentrations in the atmosphere, and enhancing the natural greenhouse effect, which is believed to be causing global climate change. The gases that are widely seen as the principal contributors to human-induced global climate change are:

- Carbon dioxide (CO<sub>2</sub>)
- Methane (CH<sub>4</sub>)
- Nitrous oxide (N<sub>2</sub>O)
- Hydrofluorocarbons (HFCs)
- Perfluorocarbons (PFCs)
- Sulfur Hexafluoride (SF<sub>6</sub>)

While GHGs produced by human activities include naturally-occurring GHGs such as CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O, some gases, like HFCs, PFCs, and SF<sub>6</sub> are completely new to the atmosphere. Certain other gases, such as water vapor, are short-lived in the atmosphere compared to those GHGs that remain in the atmosphere for significant periods of time, contributing to climate change in the long term. Water vapor is generally excluded from the list of GHGs because it is short-lived in the atmosphere and its atmospheric concentrations are largely determined by natural processes, such as oceanic evaporation. For the purposes of this analysis, the term "GHGs" will refer collectively to the six gases identified in the bulleted list provided above.

#### 4.7.1.1 Background Information

Global climate change is the observed increase in the average temperature of the Earth's atmosphere and oceans along with other significant changes in climate (such as precipitation or wind) that last for an extended period of time. The term "global climate change" is often used interchangeably with the term "global warming," but "global climate change" is preferred to "global warming" because it helps convey that there are other changes in addition to rising temperatures.

Climate change may result from natural factors, such as changes in the sun's intensity; natural processes within the climate system, such as changes in ocean circulation; or human activities, such as the burning of fossil fuels, land clearing, or agriculture. The primary observed effect of global climate change has been a rise in the average global tropospheric temperature of 0.36°F per decade, determined from meteorological measurements worldwide between 1990 and 2005. Changes to the global climate system, ecosystems, and the environment of California could include higher sea levels, drier or wetter weather, changes in ocean salinity, changes in wind patterns or more energetic aspects of extreme weather, including droughts, heavy precipitation, heat waves, extreme cold, and increased intensity of tropical cyclones. Specific effects in California could include a decline in the Sierra Nevada snowpack, erosion of California's coastline, and seawater intrusion in the Sacramento-San Joaquin River Delta.

#### 4.7.1.2 Envision San José 2040 General Plan Policies

Various policies in the Envision San José 2040 General Plan have been adopted that avoid or mitigate climate change impacts resulting from planned development within the City. In Chapter 3, Environmental Leadership, the City's General Plan includes the following goals and policies related to the proposed project that would reduce GHG emissions and address global climate change:

- Energy Goal 2: Maximize the use of green building practices in new and existing development to maximize energy efficiency and conservation and to maximize the use of renewable energy sources.
- Energy Policy 2.2: Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.
- Energy Policy 2.3: Utilize solar orientation (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.
- Energy Policy 2.4: Promote energy efficient construction industry practices.
- Energy Policy 2.6: Promote roofing design and surface treatments that reduce the heat island effect of new and existing development.
- Energy Policy 2.11: Require new development to incorporate green building practices, including those required by the Green Building Ordinance.
- Energy Policy 14.1: Promote job and housing growth in areas served by public transit and that have community amenities within a 20-minute walking distance.
- Energy Policy 14.2: Enhance existing neighborhoods by adding a mix of uses that facilitate biking, walking, or transit ridership through improved access to shopping, employment, community services, and gathering places.
- Energy Policy 14.3: Consistent with the California Public Utilities Commission's California Long Term Energy Efficiency Strategic Plan, as revised, and when technological advances make it feasible, require all new residential and commercial construction to be designed for zero net energy use.
- Energy Policy 14.4: Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices.
- MS-2.11: Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).

In October 2008, the City Council adopted the Private Sector Green Building Policy (6-32), which establishes baseline green building standards for private sector new construction, and provides a framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council-adopted standards. The project applicant must demonstrate compliance with the Private Sector Green Building Policy by submitting verification documents to the City's Department of Planning, Building, and Code Enforcement.

The City of San José has prepared a Greenhouse Gas Reduction Strategy<sup>13</sup> along with the Envision San José 2040 General Plan. The purposes of the Greenhouse Gas Reduction Strategy are to:

- Capture and consolidate GHG reduction efforts already underway by the City of San José;
- Distill policy direction on GHG reduction from the Envision San José 2040 General Plan Update;
- Quantify GHG reductions that could result from land use changes incorporated in the Envision General Plan Land Use/Transportation diagram;
- Create a framework for the ongoing monitoring and revision of this Greenhouse Gas Reduction Strategy; and
- Achieve General Plan-level environmental clearance for future development activities (through the year 2020) occurring within the City of San José.

Additionally, the GHG Reduction Strategy provides a method to streamline the CEQA review process for projects that can demonstrate conformance with the GHG Reduction Strategy.

#### 4.7.1.3 Existing Conditions

On December 30, 2009, the California Natural Resources Agency adopted CEQA Guidelines Amendments related to climate change. These amendments became effective on March 18, 2010 and state that lead agencies retain discretion to determine the significance of impacts from GHG emissions based on individual circumstances and that the analysis of impacts may be described, calculated, or estimated using a model, qualitative analysis, or performance-based standards.

#### 4.7.2 Environmental Checklist and Discussion of Impacts

GREENHOUSE GAS EMISSIONS						
Issues	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Would the project: Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,3,7
Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,3,4

While individual projects are unlikely to measurably affect global climate change, each of these projects incrementally contributes toward the potential for global climate change on a cumulative basis, in concert with all other past, present, and probable future projects.

<sup>13</sup> San José, City of, 2011. *Greenhouse Reduction Strategy*. June.

GHG emissions associated with the project would occur over the short-term from construction activities, consisting primarily of emissions from equipment exhaust. There would also be long-term regional emissions associated with project-related vehicle trips, energy consumption, and water consumption.

The 2005 NSJ FEIR did not evaluate the project's potential contribution to global climate change; however, at the time, there were no established thresholds of significance for evaluating a project's contribution to such an impact. As discussed above, the BAAQMD has since established thresholds of significance for operational greenhouse gas emissions and encourages a discussion of construction emissions. Therefore, supplemental analysis is provided below, where necessary.

#### **4.7.2.1 Impacts from Climate Change**

##### **4.7.2.1.1 Construction Emissions**

The combustion of fossil-based fuels creates GHGs such as CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O. Furthermore, CH<sub>4</sub> is emitted during the fueling of heavy equipment. Exhaust emissions from on-site construction activities would vary daily as construction activity levels change. Neither the City of San José nor the BAAQMD have an adopted threshold of significance for construction-related GHG emissions. Construction activities would produce combustion emissions from various sources. During site preparation and construction of the project, GHGs would be emitted through the operation of construction equipment and from worker and builder supply vendor vehicles, each of which typically uses fossil-based fuels to operate. Project excavation, grading, and construction would be a temporary condition occurring over the approximately 16-month construction period, and would not result in a permanent increase in emissions that would interfere with implementation of the City's GHG Reduction Strategy or the State's GHG reduction goals. Therefore, the impact from construction emissions associated with the proposed project would be less than significant.

##### **4.7.2.1.2 Operational Impacts**

As discussed above, the City of San José has an adopted GHG Reduction Strategy. In order to conform to the GHG Reduction Strategy, projects must be consistent with the Land Use/Transportation Diagram and incorporate features into the project that meet the mandatory implementation policies. Below is a listing of the mandatory criteria utilized to evaluate project conformance by the City of San José:

##### *Mandatory Criteria*

1. Consistency with the Land Use/Transportation Diagram (General Plan Goals/Policies: IP-1, LU-10)
2. Implementation of Green Building Measures (General Plan Goals: MS-1, MS-2, MS-14)
  - a. Solar Site Orientation
  - b. Site Design
  - c. Architectural Design
  - d. Construction Techniques
  - e. Consistency with the City Green Building Ordinance and Policies
  - f. Consistency with GHG Reduction Strategy Policies: MS-1.1, MS0-1.2, MC-2.3, MS-2.11, and MS-14.4.



3. Pedestrian/Bicycle Site Design Measures
  - a. Consistency with Zoning Ordinance
  - b. Consistency with GHG Reduction Strategy Policies: CD-2.1, CD-3.2, CD-3.3, CD-3.4, CD-3.6, CD-3.8, CD-3.10, CD-5.1, LU-5.5, LU-9.1, TR-2.8, TR-2.11, TR-2.18, TR-3.3, TR-6.7.
4. Salvage building materials and architectural elements from historic structures to be demolished to allow re-use (General Plan Policy LU-16.4), if applicable;
5. Complete an evaluation of operational energy efficiency and design measures for energy-intensive industries (e.g., data centers) (General Plan Policy MS-2.8), if applicable;
6. Preparation and implementation of the Transportation Demand Management (TDM) Program at large employers (General Plan Policy TR-7.1), if applicable; and
7. Limits on drive-through and vehicle serving uses; all new uses that serve the occupants of vehicles (e.g., drive-through windows, car washes, service stations) must not disrupt pedestrian flow. (General Plan Policy LU-3.6), if applicable.

The proposed project would develop two hotels on the site, which would be consistent with the General Plan Land Use/Transportation Diagram and Zoning Ordinance. In addition, the proposed project would be located adjacent to the VTA Karina Station, which would reduce the use of single-occupancy vehicles by hotel clients and employees, and reduce associated GHG emissions. The project would also include the mandatory requirements of the California Green Building Standards Code (California Code of Regulations, Title 24, Part 11).

The proposed project would result in increased vehicle trips and an increase in energy use within the City of San José compared to existing conditions. However, the proposed project would be subject to the City's Green Building Ordinance, which would ensure that operational GHG emission reductions are consistent with the GHG Strategy and would not result in a significant impact on the environment.

#### **4.7.2.2 Conformance With Applicable Plan**

The 2005 NSJ FEIR did not include an evaluation of the project's compliance with various plans and policies that now relate to GHG emissions as many of these plans were not in place at the time the FEIR was certified. A discussion of the project's compliance with various plans, policies, and regulations adopted for the purpose of reducing greenhouse gas emissions is included in this section.

The California Environmental Protection Agency Climate Action Team (CAT) and the California Air Resources Board (ARB) have developed several reports to achieve the State's GHG targets that rely on voluntary actions of California businesses, local government and community groups, and State incentive and regulatory programs. These include the CAT's 2006 "Report to Governor Schwarzenegger and the Legislature,"<sup>14</sup> the ARB's 2007 "Expanded List of Early Action Measures to Reduce Greenhouse Gas Emissions in California,"<sup>15</sup> and the ARB's "Climate Change Scoping Plan: a

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<sup>14</sup> California Environmental Protection Agency, 2006. Climate Action Team, *Report to Governor Schwarzenegger and the Legislature*. March.

<sup>15</sup> California Air Resources Board, 2007. *Expanded List of Early Action Measures to Reduce Greenhouse Gas Emissions in California*. October.

Framework for Change.”<sup>16</sup> The reports identify strategies to reduce California’s emissions to the levels proposed in Executive Order S-3-05 and Assembly Bill (AB) 32, which requires GHG emissions in California to be reduced to 1990 levels by 2020.

The adopted Scoping Plan includes proposed GHG reductions from direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, and market-based mechanisms such as cap-and-trade systems. In addition, the City’s mandatory green building measures and bicycle and pedestrian site design measures would be required to be incorporated into the project design. Compliance with the mandatory measures required by the City would ensure that the project is consistent with the City’s adopted GHG Reduction Strategy and State policies seeking reductions in GHG emissions.

Therefore, the proposed project would not conflict with the State goal of reducing GHG emissions and would not conflict with the AB 32 Scoping Plan or the early action measures. The project would be subject to all applicable permit and planning requirements in place or adopted by the City of San José. Therefore, the proposed project would result in a less-than-significant impact with regard to global climate change.

#### **4.7.3 Conclusion**

The proposed project would not result in a significant source of GHG emissions nor conflict with plans adopted for the purpose of reducing GHG emissions. Because current regulatory thresholds were not in place at the time the 2005 NSJ FEIR was certified, the above analysis was conducted to show that the project would result in a new less-than-significant impact related to GHG emissions. No new information of substantial importance has been identified in regard to the project or the project site such that the project would be expected to result in significant environmental effects not identified in the 2005 NSJ FEIR.

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<sup>16</sup> California Air Resources Board, 2008. *Climate Change Scoping Plan: a Framework for Change*. December.

## 4.8 HAZARDS AND HAZARDOUS MATERIALS

### 4.8.1 Setting

As described in the 2005 NSJ FEIR, due to the predominance of industrial and commercial land uses in the Policies Area, hazardous materials releases have been reported at numerous sites. Released contaminants include petroleum hydrocarbons, such as gasoline, diesel, and oils; metals; acids; solvents; and other organic compounds.

The project site was used for agricultural activities from at least 1939 until the late 1960s, when the site was developed with commercial uses. Pesticides and herbicides may be associated with the previous agricultural uses, but do not currently pose a significant risk due to the developed nature of the site. According to the Phase I Environmental Site Assessment<sup>17</sup> prepared for the project site, the automotive land uses that previously occupied the project site resulted in hazardous materials contamination. Contamination by gasoline, tetrachloroethylene (PCE), and trichloroethylene (TCE) was discovered in 2012, when a 550-gallon waste oil under-ground storage tank (UST) and a 12,000-gallon gasoline UST were removed from the site. Following the discovery of the contamination, areas around the UST were excavated and associated soil and groundwater were removed. Additional testing for volatile organic compounds, metals, and other contaminants was also undertaken, followed by additional excavation and removal of soil and groundwater. After the additional soil removal, most contaminants were found to be at concentrations below Environmental Screening Levels (ESLs), or concentrations determined by regulatory agencies to not pose a substantial risk to human health. Although petroleum hydrocarbons were detected above ESLs in three areas of the site, they were not considered to be a threat to human health or the environment. The case was closed by the Santa Clara County Department of Environmental Health in October 2013, meaning that additional remediation activities may be required, but contamination levels present an acceptable risk.

In addition PCE and TCE, were identified around other features on the site, including hydraulic lifts and a car wash, including two oil/water separators (clarifiers), a sand trap, and associated piping, which were removed from the project site between 1997 and 2012. Extensive testing for contamination was conducted, and a Preliminary Site Assessment (including soil and groundwater sampling throughout the site) was conducted in May 2013. Volatile organic compounds were not detected in any of the soil or groundwater samples at or above their ESLs. Petroleum hydrocarbons were detected in soil or groundwater samples at concentrations above ESLs in three areas of the site. In August 2013, the parties responsible for the contamination entered into a voluntary Remedial Action Agreement to determine whether further hazardous materials characterization and remediation were necessary at the site. In October 2013, the Santa Clara County Department of Environmental Health found that the additional investigation and remediation of contamination on the site satisfied the cleanup goal requirements of the Remedial Action Agreement. As a result of past contamination on the site, the site is identified on the Historic Cortese list, and other regulatory databases.

According to a Pre-Demolition Asbestos Survey and Lead-Based Paint Screen,<sup>18</sup> none of the buildings on the project site contain lead-based paint. However, all the buildings on the site contain asbestos-containing materials, including tiles, roofing, and stucco.

<sup>17</sup> AEI Consultants, 2013. *Phase I Environmental Site Assessment*. 2103 North First Street. September 27.

<sup>18</sup> AEI Consultants, 2013. *Pre-Demolition Asbestos Survey & Lead-Based Paint Screen*, 2103 N. First Street and 90 Karina Court. October 15.

The Mineta San José International Airport is located approximately 0.5 miles south of the project site. Federal Aviation Regulations, Part 77, “Objects Affecting Navigable Airspace” (referred to as FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing other potential hazards (such as reflective surfaces, flashing lights, and electronic interference) to aircraft in flight. These regulations require that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport’s runways, or which would otherwise stand at least 200 feet in height above ground. For the project site, any proposed structure of a height greater than approximately 40 to 45 feet above ground is required under FAR Part 77 to be submitted to the FAA for review.

#### **4.8.1.1 Envision San José 2040 General Plan**

Various policies in the City’s 2040 General Plan have been adopted that avoid or mitigate hazards and hazardous materials impacts resulting from planned development within the City. Policies from the 2040 General Plan that are relevant to the proposed project include:

- Policy EC-7.1: For development and redevelopment projects, require evaluation of the proposed site’s historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.
- Policy EC-7.2: Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.
- Policy EC-7.3: Where a property is located in near proximity of known groundwater contamination with volatile organic compounds or within 1,000 feet of an active or inactive landfill, evaluate and mitigate the potential for indoor air intrusion of hazardous compounds to the satisfaction of the City’s Environmental Compliance Officer and appropriate regional, state and federal agencies prior to approval of a development or redevelopment project.
- Policy EC-7.4: On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.
- Policy EC-7.5: On development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/ or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and state requirements.
- Policy EC-7.6: The City will encourage use of green building practices to reduce exposure to volatile or other hazardous materials in new construction materials.
- Policy EC-7.8: Where an environmental review process identifies the presence of hazardous materials on a proposed development site, the City will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into the projects. This applies to hazardous materials found in the soil, groundwater, soil vapor, or in existing structures.
- Policy EC-7.9: Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other

applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or ground-water or where historical or active regulatory oversight exists.

- **Policy EC-7.10:** Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.
- **Policy EC-7.11:** Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any new development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.

#### 4.8.2 Environmental Checklist and Discussion of Impacts

<b>Hazards and Hazardous Materials</b>						
<b>Issues</b>	<b>New Potentially Significant Impact</b>	<b>New Less Than Significant With Mitigation Incorporated</b>	<b>New Less Than Significant Impact</b>	<b>Same Impact as "Approved Project"</b>	<b>Less Impact than "Approved Project"</b>	<b>Information Source(s)/ Discussion Location</b>
Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,10, 16
Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,11
For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,12, 15
For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,12
Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,4
Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,4

#### 4.8.2.1 Use, Storage and Disposal of Hazardous Materials

The proposed hotels would not be expected to manufacture or generate large quantities of hazardous materials. Similar to the projects anticipated as part of the North San José Development Policies Update, the proposed project could involve the use, handling, and storage of commercially-available hazardous materials associated with building maintenance, on-site vehicle use, and landscaping. These materials would likely include fuels, paints, flammable liquids, pesticides, and herbicides. However, hazardous materials stored and used at the site would be required to be managed in accordance with applicable local, State, and federal hazardous materials regulations and General Plan policies that would reduce risks associated with leakage, explosions, fires, or the escape of harmful gases. Because the proposed project would generate small quantities of hazardous materials similar in nature, type, and volume to the uses anticipated to be used as part of other foreseeable commercial development projects in the Policies Area, the project would not worsen or result in new impacts related to the routine use, storage, or disposal of hazardous materials, beyond those identified in the 2005 NSJ FEIR.

#### 4.8.2.2 Release of Hazardous Materials

As discussed above in the Setting section, the site was contaminated with gasoline, PCE, TCE, and other contaminants. Contamination associated with a 550-gallon waste oil UST and 12,000-gallon UST associated with former automotive uses was remediated and the case was closed by the Santa Clara County Department of Environmental Health in October 2013. Contamination was also identified around other features of the site, including hydraulic lifts and a car wash. Also in October 2013, the Santa Clara County Department of Environmental Health found that additional investigation and remediation of the contamination on the site satisfied cleanup goals under a voluntary Remedial Action Agreement entered into by the parties responsible for the contamination. Residual contamination occurring on the site could be released during reasonably foreseeable construction activities. However, a Soil Management Plan was prepared for the site in April 2014, which would further reduce construction-period risks associated with remaining contamination on the project site, including contamination associated with past agricultural uses.

Buildings on the project site also contain asbestos, which could be released during the construction period. However, safe removal and disposal of the asbestos on the project site, as identified in the Pre-Demolition Asbestos Survey & Lead-Based Paint Screen, would be required to be undertaken in accordance with the City's General Plan policies, and applicable local, State, and federal law. Therefore, the project would not create a significant hazard to the public or the environment involving the release of hazardous materials into the environment, beyond those hazards identified in the 2005 NSJ FEIR.

**Impact HAZ-1:** Demolition or renovation of buildings containing lead-based paint and asbestos-containing building materials could release airborne lead and asbestos particles, which may potentially affect the health of construction workers and future site users. In addition, residual contamination on the site associated with past land uses could also affect the health of construction workers and future site users. **(Same Impact as Approved Project)**

Implementation of the following mitigation measure from the 2005 NSJ FEIR (as modified to reflect site-specific conditions and current best practices) would further reduce impacts associated with lead, asbestos and residual soils and groundwater contamination on the site. New text beyond that identified in the 2005 NSJ FEIR is shown in underline.

**Mitigation Measure:** The following mitigation measure would be implemented as part of the proposed project.

**MM HAZ-1a:** As part of compliance with existing regulations, an asbestos survey shall be performed on all structures proposed for demolition that are known or suspected to have been constructed prior to 1980. If asbestos-containing materials are determined to be present, the materials shall be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the Bay Area Air Quality Management District.

**MM HAZ-1b:** As part of compliance with existing regulations, a lead-based paint survey shall be performed on all structures proposed for demolition that are known or suspected to have been constructed prior to 1980. If lead-based paint is identified, then federal and State construction worker health and safety regulations shall be followed during renovation or demolition activities. If loose or peeling lead-based paint is identified at the building, it shall be removed by a qualified lead abatement contractor and disposed of in accordance with existing hazardous waste regulations.

**MM HAZ-1c:** The project sponsor shall comply with the Soil Management Measures and Additional Control Measures in the Soil Management Plan prepared for the project site, as modified by the City and/or Santa Clara County Department of Environmental Health (Baseline Environmental Consulting, 2014. *Soil Management Plan, Hyatt House and Hyatt Place*. April.)

#### **4.8.2.3 Emission of Hazardous Materials Within Quarter-Mile of a School**

No schools are located within 0.25 miles of the project site. Therefore, residual contamination on the site would not adversely affect sensitive receptors at a school.

#### **4.8.2.4 Hazardous Materials Site Pursuant to Government Code Section 65962.5**

As noted above, as a result of past contamination on the site, the site is identified on the Historic Cortese list, and other regulatory databases compiled pursuant to Government Code Section 65962.5. However, these listings are associated with on-site contamination that has been remediated (with associated follow-up activities) to the satisfaction of the Santa Clara County Department of Environmental Health. Therefore, this past contamination would not create a significant hazard to the public or the environment.

#### **4.8.2.5 Compliance with FAA Obstruction Standards**

As the project would result in the construction of buildings extending approximately 73 feet, 2 inches above the ground surface (Hyatt House) and 92 feet, 5 inches above the ground surface (Hyatt Place), notification to the FAA is required under FAR Part 77 for both structures. In turn, City General Plan policy requires FAA issuance of “no hazard” determinations prior to development approval, with any conditions set forth in an FAA no-hazard determination also incorporated into the City’s project approval. Application of this General Plan policy mitigates any potential hazard to aircraft operation. On April 21, 2014, the FAA issued a “no hazard” determination for the project.



#### **4.8.2.6 Location within the Vicinity of a Private Airstrip**

No private airstrips are located in the vicinity of the project site. Therefore, the proposed project would not result in an associated safety hazard.

#### **4.8.2.7 Emergency Response or Evacuation Plan**

As discussed in the 2005 NSJ FEIR, the proposed project would be required to comply with standard City conditions of approval related to the provision of adequate access for emergency vehicles, and secure evacuation routes. In addition, the project would not alter roadways in the vicinity of the project site and therefore would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.

#### **4.8.2.8 Wildland Fires**

The project site is located in an urban area that is not prone to wildfires. Therefore, the proposed project would not result in new or more severe impacts related to wildfires.

#### **4.8.3 Conclusion**

The proposed project, with implementation of Mitigation Measure HAZ-1, would not result in any new or more significant impacts related to hazardous materials beyond those identified in the certified 2005 NSJ FEIR.

## 4.9 HYDROLOGY AND WATER QUALITY

### 4.9.1 Setting

The project site is located within a relatively flat urbanized area and approximately 83 percent of the site is covered by impervious surfaces. No open creek or stream channels cross the site; the nearest open water is the Guadalupe River, which is approximately 1,500 feet to the south of the project site, and Coyote Creek, which is approximately 1 mile northeast of the site. Most of the rainfall at the site encounters impervious surfaces, travels by sheet flow to collectors in the paved areas and nearby roadways, and from there into the City-maintained storm drain system.

Regulatory requirements regarding hydrology and water quality have evolved since certification of the 2005 NSJ FEIR. As described below, the primary changes are the update of the North San José Floodplain Management Study, reflecting the completion of flood control projects for Coyote Creek and the Lower Guadalupe River, the City's revised Post-Construction Urban Runoff Management Policy (Policy 6-29, revised October 2011), and the City's adoption of Post-Construction Hydro-modification Management (Policy 8-14).

#### 4.9.1.1 Flooding

The North San José Floodplain Management Study was updated in June 2006. Existing flood conditions in the Policies Area have been changed by completion of flood control projects for Coyote Creek and the Lower Guadalupe River. The flood control projects have increased the stream channel flood capacity and reduced the potential for overflows from the stream channels into the surrounding areas. With the flood control projects, the flood potential has been reduced to residual shallow flooding primarily due to storm drain excess flows which exceed the capacity of the storm drain systems during a 100-year storm. The project site is located within the 100-year flood hazard zone, as mapped by the federal Emergency Management Agency (FEMA), and a majority of the site is located within an urbanized area classified as Zone "X". Flood zone "X" describes areas that are determined to be outside the 0.2 percent annual chance for flooding. The portion of the project site closest to North First Street is designated flood zone "AO", which describes areas with a flood depth potential of 1 to 3 feet during a 100-year flood.<sup>19</sup>

The location of the project site (more than 6 miles from the southern portion of San Francisco Bay) would be expected to preclude exposure of the site to coastal hazards, such as tsunamis, seiche, extreme high tides, or sea level rise. While catastrophic structural dam failure can be caused by an earthquake or overflow, the vicinity of the project site is not within a mapped flood inundation area due to dam failure.<sup>20</sup>

#### 4.9.1.2 Regulatory Requirements

As described in the 2005 NSJ FEIR, the discharge of stormwater from the City's municipal storm sewer system is regulated by the Federal National Pollution Discharge Elimination System (NPDES) Nonpoint Source Program (established through the Clean Water Act). The program is administered by the California Regional Water Quality Control Boards and the project site is under the jurisdiction

<sup>19</sup> Federal Emergency Management Agency (FEMA). *Flood Insurance Rate Map, Community Panel Number 06085C0231H*, dated May 18, 2009.

<sup>20</sup> Association of Bay Area Governments, 2003. *Dam Failure Inundation Hazard Map for NW San José/Milpitas/Santa Clara*. Website: [www.abag.ca.gov/cgi-bin/pickdamx.pl](http://www.abag.ca.gov/cgi-bin/pickdamx.pl) (accessed March 18, 2014).

of the San Francisco Bay Regional Water Quality Control Board (Water Board), through the storm-water municipal runoff permit (MRP) issued to the City as a participant in the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP). City compliance with the MRP is mandated by State and federal laws, statutes, and regulations. On October 14, 2009 (since the adoption of the 2005 NSJ FEIR), the Water Board adopted a new MRP for the San Francisco Bay Region,<sup>21</sup> including the City of San José. Within the Water Board's newly adopted permit are new Hydromodification Management Requirements for new development and redevelopment projects, including the proposed project.

As described in the 2005 NSJ FEIR, the City must comply with the provisions of the MRP by ensuring that new development and redevelopment mitigate water quality impacts to storm water runoff both during the construction and operation of projects to the maximum extent practicable. Water Board Order No. R2-2009-0074 (NPDES Permit No. CAS612008) requires the City to manage development-related increases in peak runoff flow, volume and duration, where it is likely to cause increased erosion, silt pollutant generation, or other impacts to beneficial uses of local rivers, streams and creeks.

Applicable projects consist of all new public and private projects that create 10,000 square feet or more of impervious surface collectively over the entire project site and redevelopment projects that add or replace 10,000 square feet or more of impervious surface area on the project site. Additional requirements must be met by large projects (formerly known as Group 1 projects) that create 1 acre or more of impervious surfaces. These large projects must control increases in runoff peak flow, volume, and duration (referred to as hydromodification), as the increase in stormwater runoff has the potential to cause erosion or other adverse impacts to receiving streams.

In addition, projects disturbing 1 acre or more of land during construction are required to file a Notice of Intent (NOI) with the Water Board to be covered under the State NPDES General Construction Permit (Water Quality Order 99-08-DWQ) for discharges of storm water associated with construction activity. A developer must propose control measures that are consistent with the State General Permit. A Storm Water Pollution Prevention Plan (SWPPP) must be developed and implemented for each site covered by the general permit. A SWPPP should include Best Management Practices designed to reduce potential impacts to surface water quality to the maximum extent practicable during construction of the project.

#### **4.9.1.2.1 City of San José Post-Construction Urban Runoff Management (Policy 6-29)**

The City of San José's Council Policy No. 6-29 requires all new and redevelopment projects to implement Post-Construction Best Management Practices<sup>22</sup> and Treatment Control Measures (TCMs)<sup>23</sup> to the maximum extent practicable. This policy also establishes specific design standards

<sup>21</sup> California Regional Water Quality Control Board, 2009. *San Francisco Bay Region, Municipal Regional Stormwater NPDES Permit, Order R2-2009-0074*. (NPDES Permit No. CAS612008)

<sup>22</sup> Post-Construction Best Management Practices are methods, activities, maintenance procedures, or other management practices designed to reduce the amount of stormwater pollutant loading from a site. Examples of Post-Construction Best Management Practices include proper materials storage and housekeeping activities, public and employee education programs, and storm inlet maintenance and stenciling.

for Post-Construction TCMs for projects that create, add, or replace 10,000 square feet or more of impervious surfaces.

Policy 6-29 also contains information from provision C.3.c of the NPDES permit, Low Impact Development, which has new requirements for the use of feasible Low Impact Development (LID) Stormwater Treatment measures on-site or at a joint stormwater treatment facility. These requirements apply to planning permits for new and redevelopment projects that create and/or replace 10,000 square feet or more of impervious surfaces. In addition to measures that reduce the amount of pollutants that enter stormwater, LID measures include the following techniques to reduce the quantity and/or improve the quality of stormwater at or near its source: rainwater harvesting, infiltration, evapotranspiration, and biotreatment.

#### **4.9.1.2.2 City of San José Post-Construction Hydromodification Management (Policy 8-14)**

In 2005, the City of San José adopted the Post-Construction Hydromodification Management Policy (Policy 8-14) to manage development-related increases in peak runoff flow, volume and duration, where such hydromodification<sup>24</sup> is likely to cause increased erosion, silt pollution generation, or other impacts to local rivers, streams, and creeks. The policy establishes specified performance criteria for Post-Construction Hydromodification control measures (HCMs) and identifies projects which are exempt from HCM requirements.

#### **4.9.1.2.3 Envision San José 2040 General Plan**

The Envision San José 2040 General Plan provides policies which address hydrology, storm drainage, and water quality. Policies from the General Plan that are relevant to the proposed project include:

- Policy EC-5.2: Allow development only when adequate mitigation measures are incorporated into the project design to prevent or minimize siltation of streams, flood protection ponds, and reservoirs.
- Policy EC-5.7: Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.
- Policy EC-5.11: Where possible, reduce the amount of impervious surfaces as a part of redevelopment and roadway improvements through the selection of materials, site planning, and street design.
- Policy EC-5.16: Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.
- Policy EC-5.17: Implement the Hydromodification Management requirements of the City's Municipal NPDES Permit to manage runoff flow and volume from project sites.
- Policy ER-8.1: Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.

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<sup>23</sup> Post-Construction Treatment Control Measures are site design measures, landscape characteristics or permanent stormwater pollution prevention devices installed and maintained as part of a new development or redevelopment project to reduce stormwater pollution loading from the site; is installed as part of a new development or redevelopment project; and is maintained in place after construction has been completed. Examples of runoff treatment control measures include filtration and infiltration devices (e.g., vegetative swales/biofilters, insert filters, and oil/water separators) or detention/retention measures (e.g., detention/retention ponds). Post-Construction TCMs are a category of Best Management Practices.

<sup>24</sup> Hydromodification is defined as the alteration of the hydrologic characteristics of coastal and noncoastal waters, which in turn could cause degradation of water resources. In the case of a stream channel, this is the process whereby a stream bank is eroded by flowing water. This typically results in the suspension of sediments in the water course.

- Policy ER-8.3: Ensure that private development in San José includes adequate measures to treat stormwater runoff.
- Policy ER-8.4: Assess the potential for surface water and groundwater contamination and require appropriate preventative measures when new development is proposed in areas where storm runoff will be directed into creeks upstream from groundwater recharge facilities.
- Policy ER-8.5: Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.
- Policy ER-8.7: Encourage stormwater reuse for beneficial uses in existing infrastructure and future development through the installation of rain barrels, cisterns, or other water storage and reuse facilities.
- Policy ER-8.10: Participate in the SCVURPPP and take other necessary actions to formulate and meet regional water quality standards which are implemented through the NPDES permits and other measures.
- Policy IN-3.13: Encourage the use of flood protection guidelines in development, such as those recommended by the SCVWD, FEMA, and California Department of Water Resources (DWR).
- Policy IN-3.10: Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's NPDES permit.

#### 4.9.2 Environmental Checklist and Discussion of Impacts

Hydrology and Water Quality						
Issues	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Information Source(s)/ Discussion Location
Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

<b>Hydrology and Water Quality</b>						
<b>Issues</b>	<b>New Potentially Significant Impact</b>	<b>New Less Than Significant With Mitigation Incorporated</b>	<b>New Less Than Significant Impact</b>	<b>Same Impact as “Approved Project”</b>	<b>Less Impact than “Approved Project”</b>	<b>Information Source(s)/ Discussion Location</b>
Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,13
Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,13
Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding of as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,14
Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

#### 4.9.2.1 Water Quality Standards

As described in the 2005 NSJ FEIR, implementation of development projects in the Policies Area, including the project site, would increase the intensity of built uses in the project area. The project site is currently mostly covered with impervious surfaces. Development of the proposed project would reduce impervious surface coverage on the site from 82 percent (214,862 square feet) to 70 percent (182,142 square feet). In addition, as part of the Stormwater Control Plan, the site would be organized into 12 areas to retain and treat stormwater generated on-site. Bioretention features would be provided for each treatment area, and would range in size from approximately 134 to 1,841 square feet. These bioretention features, which would be regularly inspected and maintained by the project sponsor, would be located within the surface parking lots and along the periphery of the site. Stormwater lines would be provided to convey stormwater once it has been filtered by the bioretention features. The bioretention features would be expected to improve stormwater quality within the project site.

However, construction and operation of the project could expose soils to the forces of erosion, and result in the release of small amounts of hazardous materials, such as fuel, oil, paint, and solvents that are routinely used during construction. As a result, some of these contaminants could reduce the water quality of the Guadalupe River and Coyote Creek.

The 2005 NSJ FEIR identified potential impacts to water quality associated with construction and operation of the proposed North San José Development Policies Update. These impacts are described in this section, as are the Standard Measures recommended to reduce these impacts to a less-than-significant level. Water quality regulations established after certification of the FEIR are described above. With implementation of the proposed stormwater treatment plan, and incorporation of the Standard Measures described below and regulatory requirements described above, the proposed

project would not result in any new or more significant water quality impacts beyond those identified in the certified 2005 NSJ FEIR. The project would not violate water quality standards or waste discharge requirements.

The proposed project would be subject to the following Standard Measures, which are consistent with the regulatory requirements of the NPDES Permit and associated City policies discussed above. The measures would further reduce potential construction and post-construction impacts to surface water quality.

**Standard Measures.** The following Standard Measures were identified in the 2005 NSJ FEIR and would be imposed on the proposed project.

*Construction Impacts to Water Quality*

- Development and redevelopment projects are required to comply with the NPDES General Construction Activity Stormwater Permit administered by the Regional Water Quality Control Board. Prior to future construction grading for projects with land disturbance of 1 acre or more, applicants are required to file a “Notice of Intent” (NOI) to comply with the General Permit and prepare a Stormwater Pollution Prevention Plan (SWPPP) which addresses measures that would be included in the project to minimize and control construction and post-construction runoff. Copies of the SWPPPs are submitted to the City of San José Department of Public Works. The following measures typically are included in a SWPPP:
  - Preclude non-stormwater discharges to the stormwater system.
  - Effective, site-specific Best Management Practices for erosion and sediment control during the construction and post-construction periods.
  - Coverage of soil, equipment, and supplies that could contribute non-visible pollution prior to rainfall events.
  - Perform monitoring of discharges to the stormwater system.
- All development projects, whether subject to the General Permit or not, shall comply with the City of San José’s Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while the project is under construction. Prior to the issuance of a permit for grading activity occurring during the rainy season (October 15 to April 15), the project shall submit to the Director of Public Works an Erosion Control Plan detailing Best Management Practices that will prevent the discharge of stormwater pollutants.

*Post-Construction Project Impacts to Stormwater Quality.* As previously discussed, the City of San José is one of 13 co-permittees under a Municipal Stormwater National Pollutant Discharge Elimination System (NPDES) Permit issued to the municipalities in Santa Clara Valley, the County of Santa Clara, and the Santa Clara Valley Water District. Under provisions of the NPDES Permit, redevelopment projects that create or replace 10,000 square feet or more of impervious surface are required to incorporate Best Management Practices for non-point pollution control in the new development area. These measures may include:

- Installing bioswales in new landscape and surface parking areas to treat runoff prior to discharge to the stormwater system;
- Installation of landscaping that will facilitate the infiltration of stormwater;



- Use of landscape species that minimize irrigation, runoff, pesticide and fertilizer application;
- Design landscape areas to be lower in elevation than surrounding paved areas;
- Planting new trees within 30 feet of impervious surfaces;
- Use efficient irrigation systems to minimize runoff;
- Stormwater catch basins will be stenciled to discourage illegal dumping;
- Use microretention techniques, such as tree well filters in parking and landscaped areas;
- Installation of oil/water separators in parking structures, if required/allowed;
- Cover dumpsters and other storage areas and/or protect by a berm or curb;
- Use source control Best Management Practices (in vehicle areas, roofs, gutters, downspouts, dumpster/trash areas, floor drains, elevator shaft drains, air conditioning condensate, and outdoor material storage, etc.);
- Maintenance of landscaped areas as necessary to maintain soil structure and permeability;
- Site maintenance, including routine catch basin cleaning; and
- Maintenance of landscaping with minimal pesticide use, including landscape maintenance techniques listed in the Fact Sheet on Landscape Maintenance Techniques for Pest Reduction prepared by the Santa Clara Valley Urban Runoff Pollution Prevention Program.

#### **4.9.2.2 Deplete Groundwater Supplies**

As discussed in the 2005 NSJ FEIR, the Policies Area is highly urbanized and is largely covered with impervious surfaces. However, the proposed project would include areas of lawn, trees, and bioretention facilities, and would result in a net reduction in impervious surfaces. Therefore, the groundwater recharge rate at the site would be expected to be the same or potentially greater than under current conditions. The proposed project would not require the pumping of groundwater (aside from necessary construction period dewatering operations to clear excavations) and therefore would not deplete local groundwater supplies. Therefore, additional depletion of groundwater resources associated with the proposed project is not expected.

#### **4.9.2.3 Drainage Pattern and Surface Run-off**

The proposed project would not alter the course of an established stream or river at or adjacent to the project site. The Guadalupe River is located approximately 1,500 feet south of the project site and its course would not be altered by the proposed project. Drainage patterns at the site would be modified with implementation of the Stormwater Control Plan, but associated effects would be beneficial (as water quality would likely be improved compared to existing conditions).

Additionally, as described in the 2005 NSJ FEIR, the project would also be required to comply with City Council Policies 6-29 and 8-14, as applicable, at the Development Permit stage. As documented previously, the project would decrease the amount of impervious surface area and associated runoff on the site compared to existing conditions. Therefore, potential impacts associated with hydromodification from the proposed project would be less than significant.

#### 4.9.2.4 Flooding and Dam Failure Inundation

The 2005 NSJ FEIR identified significant impacts from periodic flooding in the Policies Area that could cause harm to people or structures. The proposed project would be evaluated for the adequacy of on-site and off-site stormwater collection systems prior to issuance of Site Development or Planned Development Permits and would also be subject to any blockage criteria contained in the City's Floodplain Management Ordinance.

The project would not result in new or increased flooding impacts beyond those already identified in the 2005 NSJ FEIR.

**Impact HYD-1:** Development of the proposed project could cause the stormwater drainage infrastructure serving the property to exceed capacity. **(Same Impact as Approved Project)**

**Mitigation Measure:** The following mitigation measure is identified as part of the 2005 NSJ FEIR and would also be implemented as part of the proposed project to reduce flooding impacts on the site to a less-than-significant level, consistent with the City's Floodplain Management Ordinance.

**MM-HYD-1:** In order to improve stormwater drainage in the project area and prevent localized flooding due to lack of system capacity, all proposed development in the Policies Area will be evaluated for the adequacy of on-site and off-site stormwater collection systems prior to issuance of Site Development or Planned Development Permits. Some areas will require new or supplemental stormwater lines, catch basins, or other infrastructure. As redevelopment proceeds in the area, priorities may be set for upgrading the storm drainage system. Consistent with ongoing City policies, Capital Improvement Projects will be identified and incorporated into the City's Five Year Capital Improvement Program (CIP) process, as appropriate. Future development projects will also be subject to any blockage criteria contained in the City's Floodplain Management Ordinance.

#### 4.9.2.5 Inundation by Seiche, Tsunami, or Mudflow

The distance from the Bay would be expected to protect the site from coastal flooding hazards, including tsunami, extreme high tides, seiche and sea level rise. There are no surface water bodies in the vicinity of the project site that could generate damaging seiches. The site is not located within a mapped dam failure inundation zone.

#### 4.9.3 Conclusion

Compliance with the applicable Envision San José 2040 General Plan policies and hydrology regulations identified above, and implementation of the Standard Measures and Mitigation Measure HYD-1 would ensure that impacts to hydrology would be less than significant and would not exceed those identified in the certified 2005 NSJ FEIR.

## 4.10 LAND USE AND PLANNING

### 4.10.1 Setting

The 6-acre site is located in the Policies Area of North San José, adjacent to the VTA Karina Station. The project site contains four existing buildings designed for commercial uses that comprise approximately 45,000 square feet of building space.

#### 4.10.1.1 Existing and Surrounding Land Uses

Surrounding land uses include North First Street and office uses to the north; restaurant and motel uses to the east; U.S. Highway 101 (also known as Bayshore Freeway) to the south; and Karina Court and office uses to the west.

#### 4.10.1.2 Land Use Regulations

##### 4.10.1.2.1 General Plan Land Use Designation

The project site is designated Transit Employment Center by the Envision San José 2040 General Plan. This designation is applied to areas planned for intensive job growth that also have good access to transit and other facilities and services. Development intensities of up to a floor area ratio (FAR) of 12 (4 to 25 stories) are allowed.

##### 4.10.1.2.2 Zoning Designation

The project site is currently zoned Light Industrial (APNs 101-05-002, and -003) and Industrial Park (APN 101-05-005). The Light Industrial zoning district is intended for a wide variety of industrial uses and excludes uses with unmitigated hazardous or nuisance effects. Examples of typical uses are warehousing, wholesaling, and light manufacturing. The Industrial Park zoning designation is an exclusive designation intended for a wide variety of industrial users such as research and development, manufacturing, assembly, testing, and office uses.

##### 4.10.1.2.3 Habitat Conservation Plans

The project site is classified as “Urban – Suburban” in the Santa Clara Valley Habitat Plan.

### 4.10.2 Environmental Checklist and Discussion of Impacts

Land Use and Planning						
Issues	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,4
Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,4

<b>Land Use and Planning</b>						
<b>Issues</b>	<b>New Potentially Significant Impact</b>	<b>New Less Than Significant With Mitigation Incorporated</b>	<b>New Less Than Significant Impact</b>	<b>Same Impact as “Approved Project”</b>	<b>Less Impact than “Approved Project”</b>	<b>Information Source(s)/ Discussion Location</b>
Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,4,9

#### **4.10.2.1 Disrupt or Divide an Established Community**

Projects that have the potential to physically divide an established community include projects such as new freeways and highways, major arterials, streets, and railroad lines. The proposed project would develop new hotel uses on a site containing commercial uses and surface parking. The proposed project would provide public access by including sidewalks around the hotels that connect with the existing sidewalks along North First Street and Karina Court. Similarly, the surface parking lots would provide vehicular connectivity in and around the site, including to North First Street and Karina Court. The project design would not inhibit public connectivity, and would not physically divide a community.

#### **4.10.2.2 Conformance with Land Use Plans**

##### **4.10.2.2.1 General Plan Land Use Designation**

The project site is designated by the Envision San José 2040 General Plan as a Transit Employment Center. This designation is applied to areas planned for intensive job growth. The development of large hotels of at least 200 rooms and four or more stories in height is allowed within Transit Employment Centers. The project would conform to the General Plan, since the proposed hotel is consistent with the Transit Employment Center designation.

##### **4.10.2.2.2 Zoning Designation**

The proposed project site is designated Light Industrial and Industrial Park. Both zoning designations allow for commercial development, when located within an area with a combined industrial/commercial General Plan designation as long as the non-industrial use does not result in the imposition of additional constraints on neighboring industrial users in the exclusively industrial areas. The proposed project would result in the development of two hotels within the project site, containing a total of 329 hotel rooms. No industrial uses are located in the immediate vicinity of the project site; therefore, the project would not interfere with the operation of local industrial facilities. Therefore, the proposed project would be consistent with both zoning designations.

##### **4.10.2.2.3 North San José Area Development Policies Update**

The North San José development Policies Update allows for the development of up to 1.7 million square feet of new neighborhood-serving commercial uses and regional large scale retail and hotel uses. The hotel uses would contribute to regional traffic impacts and would be subject to a Traffic Impact Fee, but are encouraged as supportive businesses in the Policies Area. Therefore, the proposed project is consistent with the North San José Development Policies Update.

#### **4.10.2.2.4 Land Use Compatibility**

The project is surrounded by commercial uses on the east and west. The proposed hotel uses would be compatible with these surrounding uses, as they would not generate high levels of noise or air pollutants, or otherwise interfere with the operations of office and retail uses. U.S. 101 south of the project site generates traffic, noise, and air pollutants, but due to proposed sound insulation and air filtration systems that would be incorporated into the hotels, this roadway would not be incompatible with hotel uses. Therefore, the proposed project would not conflict with the established or planned land uses surrounding the site.

The project site is located within the Airport Influence Area of the Santa Clara County Airport Land Use Commission (ALUC) Comprehensive Land Use Plan for Mineta San José International Airport. The proposed project would comply with all applicable ALUC Plan noise, height, and safety policies. Pursuant to ALUC and San Jose General Plan policies, the project sponsor would be required to grant an aviation easement to the City to set forth acceptance of aircraft noise and height limits.

#### **4.10.2.3 Habitat Conservation Plan**

The project, which would redevelop an urbanized site with little habitat value, would not conflict with the Santa Clara Valley Habitat Plan study area, or any other natural community conservation plan.

#### **4.10.3 Conclusion**

The proposed project would not result in any new or more significant land use impacts beyond those identified in the certified 2005 NSJ FEIR.

## 4.11 MINERAL RESOURCES

### 4.11.1 Setting

The project site is located in a developed urban area near Downtown San José and mineral exploration and extraction is not performed in the vicinity. Also, the project site is not located in an area designated as containing mineral resource deposits of regional importance.

### 4.11.2 Environmental Checklist and Discussion of Impacts

<b>Mineral Resources</b>						
<b>Issues</b>	<b>New Potentially Significant Impact</b>	<b>New Less Than Significant With Mitigation Incorporated</b>	<b>New Less Than Significant Impact</b>	<b>Same Impact as “Approved Project”</b>	<b>Less Impact than “Approved Project”</b>	<b>Information Source(s)/ Discussion Location</b>
Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,4
Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,4

Mineral resources known to exist in and near the Santa Clara Valley include sand, gravel, crushed rock, clay, and limestone. Santa Clara County has also supplied a significant portion of the nation’s mercury over the past century. Pursuant to the mandate of the Surface Mining and Reclamation Act of 1975, the State Mining and Geology Board has designated the Communications Hill Area (Sector EE), which is about 6.5 miles south of the project site, as containing mineral deposits which are of regional significance as a source of construction aggregate materials. Neither the State Geologist nor the State Mining and Geology Board have classified any other areas in San José as containing significant mineral deposits. The project site is outside of the Communication Hill area and does not contain known mineral resources. Therefore, the proposed project would not result in a significant impact from the loss of availability of a known mineral resource.

### 4.11.3 Conclusion

The proposed project would not result in any new or more significant impacts to mineral resources beyond those identified in the 2005 NSJ FEIR.

## 4.12 NOISE

### 4.12.1 Setting

The ambient noise conditions have not changed substantially since the certification of the 2005 NSJ FEIR. However, the City's 2040 General Plan provides a new regulatory framework for noise, as described below.

### 4.12.2 Existing Site Conditions

The existing noise environment of the project site is characterized by traffic noise from U.S. 101 and local surface streets, as well as by noise from the VTA light rail operations. Commercial and office stationary noise sources such as parking lot activities and delivery loading/unloading activities are also audible on the project site. While airplane activity is occasionally audible on the project site, the site is located outside of the 60 dBA CNEL noise contour of the Mineta San José International Airport. According to the Envision San José 2040 General Plan, projected noise levels on the project site closest to U.S. 101 are expected to range up to 82 dBA Ldn by 2035.

#### 4.12.2.1 City of San José General Plan

The City of San José addresses noise in the Envision San José 2040 General Plan Noise Element and in the provisions of the City's Municipal Code Noise Control Ordinance. The Noise Element standards specify an exterior noise limit of 60 A-weighted decibels on the day-night equivalent level (dBA Ldn) for hotel land uses affected by transportation-related noise sources; and a limit of 45 dBA Ldn is specified for interior noise-sensitive spaces. The Noise Element recognizes that full attainment of noise standards may not be achievable in the environs of the Mineta San José International Airport (SJIA) and the Downtown Core Area.

Various policies in the City's 2040 General Plan have been adopted that avoid or mitigate noise impacts resulting from planned development within the City. The City of San José has the following goals and policies related to the proposed project that would reduce noise impacts:

- Goal EC-1 – Community Noise Levels and Land Use Compatibility: Minimize the impact of noise on people through noise reduction and suppression techniques, and through appropriate land use policies.
  - Policy EC-1.1: Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include:
    - Interior Noise Levels: The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA Ldn. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA Ldn or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected Envision General Plan traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan.
    - Exterior Noise Levels: The City's acceptable exterior noise level objective is 60 dBA Ldn or less for residential and most institutional land uses. The acceptable exterior noise level objective is established for the City, except in the environs of the SJIA and the Downtown, as described below:



For new multi-family residential projects and for the residential component of mixed-use development, use a standard of 60 dBA Ldn in usable outdoor activity areas, excluding balconies and residential stoops and porches facing existing roadways. Some common use areas that meet the 60 dBA Ldn exterior standard will be available to all residents. Use noise attenuation techniques such as shielding by buildings and structures for outdoor common use areas. On sites subject to aircraft overflights or adjacent to elevated roadways, use noise attenuation techniques to achieve the 60 dBA Ldn standard for noise from sources other than aircraft and elevated roadway segments.

For single-family residential uses, use a standard of 60 dBA Ldn for exterior noise in private usable outdoor activity areas, such as backyards.

- Policy EC-1.2: Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Categories 1, 2, 3 and 6) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:
  - Cause the Ldn at noise sensitive receptors to increase by 5 dBA Ldn or more where the noise levels would remain “Normally Acceptable”; or
  - Cause the Ldn at noise sensitive receptors to increase by 3 dBA Ldn or more where noise levels would equal or exceed the “Normally Acceptable” level.
- Policy EC-1.7: Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City’s Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would:
  - Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.

For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.
- Policy EC-1.9: Require noise studies for land use proposals where known or suspected loud intermittent noise sources occur which may impact adjacent existing or planned land uses. For new residential development affected by noise from heavy rail, light rail, BART or other single-event noise sources, implement mitigation so that recurring maximum instantaneous noise levels do not exceed 50 dBA Lmax in bedrooms and 55 dBA Lmax in other rooms.
- Policy EC-1.11: Require safe and compatible land uses within the SJIA noise zone (defined by the 65 CNEL contour as set forth in State law) and encourage aircraft operating procedures that minimize noise.
- Policy EC-1.12: Encourage the Federal Aviation Administration to enforce current cruise altitudes that minimize the impact of aircraft noise on land use.
- Policy EC-1.14: Require acoustical analyses for proposed sensitive land uses in areas with exterior noise levels exceeding the City’s noise and land use compatibility standards to base noise attenuation techniques on expected Envision General Plan traffic volumes to ensure land use compatibility and General Plan consistency.

- **Goal EC-2 – Vibration:** Minimize vibration impacts on people, residences, and business operations.
  - **Policy EC-2.1:** Near light and heavy rail lines or other sources of ground-borne vibration, minimize vibration impacts on people, residences, and businesses through the use of setbacks and/or structural design features that reduce vibration to levels at or below the guidelines of the Federal Transit Administration. Require new development within 100 feet of rail lines to demonstrate prior to project approval that vibration experienced by residents and vibration sensitive uses would not exceed these guidelines.
  - **Policy EC-2.3:** Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.

#### 4.12.2.2 City of San José Municipal Code

The Zoning Ordinance of the San José Municipal Code contains performance standards for the generation of noise at adjacent properties. The Zoning Ordinance restricts construction and demolition activity to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday. No construction or demolition work is permitted on Sundays or federal holidays.

#### 4.12.3 Environmental Checklist and Discussion of Impacts

Noise						
Issues	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Information Source(s)/ Discussion Location
Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,12

#### **4.12.3.1 Construction-Period Impacts**

The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would involve substantial noise-generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.

Short-term noise generated by the approximately 16-month construction period would temporarily increase noise levels in the vicinity of the project site. Noise impacts from construction crew commutes and the transport of construction equipment and materials to the project site would incrementally increase noise levels on access roads leading to the site. Although there would be a relatively high single event noise exposure potential, causing intermittent noise nuisance (passing dump/haul trucks at 50 feet could generate maximum noise levels ( $L_{\max}$ ) of 86 dBA  $L_{\max}$ ), the effect on hourly or daily ambient noise levels would be less than significant (i.e., noise levels would increase by less than the perceptible level of 3 dBA). In addition, these pass-by event noise levels would be similar to existing truck activity in the project vicinity. Therefore, noise generated by traffic associated with worker commute and equipment transport to the project site would be less than significant.

Construction activities would be performed in discrete steps, each of which has its own mix of equipment and, consequently, its own noise characteristics. The site preparation and grading phase of construction tends to generate the highest noise levels, because the noisiest construction equipment is earthmoving equipment. Earthmoving equipment includes excavating machinery, such as bulldozers and loaders, and compacting equipment, including compactors, scrapers, and graders. Typical operating cycles for these types of construction equipment may involve 1 or 2 minutes of full power operation followed by 3 to 4 minutes at lower power settings. The construction phase of the project is expected to require the use of graders, dozers, and haul trucks. Noise typically associated with the use of this type of construction equipment is estimated between 79 and 86 dBA  $L_{\max}$  at a distance of 50 feet from the operating equipment. Each doubling of the sound sources with equal strength increases the noise level by 3 dBA. Assuming that each piece of construction equipment operates as an individual noise source, the worst-case composite noise level during this phase of construction would be approximately 91 dBA  $L_{\max}$ , as measured at 50 feet from multiple pieces of equipment operating simultaneously at full power.

The closest land use to the project construction area is a restaurant approximately 115 feet east of the site; there is a hotel an additional 25 feet to the east. An existing office building is located approximately 117 feet west of the site. Other land uses in the project site vicinity include a hotel located approximately 210 feet northeast of the site, across North First Street. A fast food restaurant and additional office buildings are also located on the north side of North First Street, in the vicinity of the project site.

Due to distance attenuation, maximum noise levels associated with project construction activities would be reduced to below 84 dBA  $L_{\max}$  at the closest receptor to proposed project construction. Traffic noise levels along the segment of U.S. 101 adjacent to the project site range up to 82 dBA  $L_{\text{dn}}$ . Therefore, expected construction noise levels would not be expected to result in a substantial noise increase above existing background noise levels. However, without restrictions on permissible hours of construction and implementation of best management practices, project construction could still result in sleep disturbance or high levels of annoyance at the closest receptors, such as the nearby hotel in the project site vicinity. The following mitigation measure would reduce this impact to a less-than-significant level:

**Impact NOI-1:** Construction noise from the project would result in a short-term increase in noise levels which could exceed the City's standards and would result in a significant impact to adjacent land uses. **(Same Impact as Approved Project)**

**Mitigation Measures:** The following construction noise mitigation measure is adapted from the certified Envision San José 2040 General Plan FPEIR and 2005 NSJ FEIR, and would be implemented as part of the project. Implementation of General Plan Policy EC-1.7, Community Noise Levels and Land Use Compatibility Policy, requires a noise logistics plan which would include, but not be limited to, the following measures to reduce construction noise levels.

**MM NOI-1:** The project will implement the following measures, as documented in a noise logistics plan, to reduce construction noise levels as low as practical.

- Utilize 'quiet' models of air compressors and other stationary noise sources where technology exists.
- Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment;
- Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses;
- Locate staging areas and construction material areas as far away as possible from adjacent land uses;
- Prohibit all unnecessary idling of internal combustion engines;
- If impact pile driving is proposed, multiple-pile drivers shall be considered to expedite construction. Although noise levels generated by multiple pile drivers would be higher than the noise generated by a single pile driver, the total duration of pile driving activities would be reduced;
- If impact pile driving is proposed, temporary noise control blanket barriers shall shroud pile drivers or be erected in a manner to shield the adjacent land uses. Such noise control blanket barriers can be rented and quickly erected;
- If impact pile driving is proposed, foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile. Pre-drilling foundation pile holes is a standard construction noise control technique. Pre-drilling reduces the number of blows required to seat the pile. Notify all adjacent land uses of the construction schedule in writing;
- Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the case of the noise complaint (e.g. starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. The telephone number for the disturbance coordinator at the construction site will

be posted and included in the notice sent to neighbors regarding the construction schedule.

With implementation of Mitigation Measure NOI-1, construction noise impacts to nearby land uses would be reduced to acceptable levels.

#### **4.12.3.2 Operational-Period Impacts**

##### **4.12.3.2.1 Stationary Noise Source Impacts**

Potential long-term stationary noise impacts at the project site would be primarily associated with outdoor activities and operations associated with parking lot and delivery truck activities. Of these stationary noise sources, noise generated by delivery truck activity would generate the highest maximum noise levels. Representative parking activities, such as people conversing or doors slamming, would generate approximately 60 dBA to 70 dBA  $L_{max}$  at 50 feet. Delivery truck loading and unloading activities can result in maximum noise levels from 75 dBA to 85 dBA  $L_{max}$  at 50 feet. Noise levels from these activities would be similar to what is currently experienced at adjacent commercial properties and nearby light industrial land uses in the project site vicinity. Therefore, project-related noise from delivery activities would not result in a substantial increase in ambient noise levels compared with noise levels existing without the project.

##### **4.12.3.2.2 Aircraft Noise Source Impacts**

Mineta San José International Airport is located approximately 0.5 miles south of the project site. However, the project site is not located within the 65 dBA CNEL contour of the airport. Therefore, implementation of the project would not expose persons residing or working in the project area to excessive noise levels from aircraft operations.

##### **4.12.3.2.3 Traffic Noise Impacts**

Implementation of the proposed project would result in new daily trips on local roadways in the project site vicinity. However, project-related traffic would not be expected to result in a perceptible increase in traffic noise levels along roadways in the site vicinity. A characteristic of sound is that a doubling of a noise source is required in order to result in a perceptible (3 dBA or greater) increase in the resulting noise level. Project daily trips would not result in a doubling of traffic volumes along any roadway segment in the project vicinity, and therefore would not result in a perceptible increase in traffic noise levels at receptors in the project vicinity. Therefore, project-related traffic would result in a less-than-significant impact on off-site sensitive land uses.

Vehicular noise from traffic on U.S. 101 is the primary noise source in the project site vicinity (a secondary source is VTA trains along North First Street, but associated noise levels are generally lower than on U.S. 101). As noted in the setting discussion above, traffic noise levels along this portion of U.S. 101 range up to 82 dBA  $L_{dn}$ . The City considers environments with noise levels up to 60 dBA  $L_{dn}$  to be satisfactory for new hotel development, and environments with noise levels up to 75 dBA  $L_{dn}$  to be acceptable for new hotel development only when insulation features are incorporated into the project design to maintain an indoor noise level of no greater than 45 dBA  $L_{dn}$ .

Based on the United States Environmental Protection Agency (U.S. EPA) Protective Noise Levels, a standard combination of walls, doors, and windows provides approximately 25 dBA in exterior to interior noise reduction with windows closed and 15 dBA with windows open. With windows open, interior hotel units would not meet the interior noise standard (i.e., 82 dBA – 15 dBA = 67 dBA).

Even with inclusion of an alternative form of ventilation, such as noise-baffled passive air ventilation systems or mechanical air conditioning systems, that would allow windows to remain closed for prolonged periods of time, the interior noise level goal of 45 dBA  $L_{dn}$  would not be maintained (i.e., 82 dBA – 25 dBA = 57 dBA). Therefore, in addition to inclusion of an alternative form of ventilation, window and façade upgrades would need to be included in the project design to increase the exterior to interior noise attenuation.

**Impact NOI-2:** Noise levels from existing and future projected traffic on U.S. 101 would exceed the City’s normally acceptable standard from new hotel development.  
**(Same Impact as Approved Project)**

**Mitigation Measures:** To reduce existing and future projected traffic noise level impacts on sensitive receptors within the proposed project, the project applicant shall ensure implementation of the following measures. These measures reflect policies outlined in the 2005 NSJ FEIR as updated in the Marriott Residence Inn & Springhill Suites Hotel Addendum and would be implemented as part of the proposed project.

**MM NOI-2a:** Per the requirements of the applicable California Building Code, project-design-specific acoustical analyses will be conducted to confirm that interior noise levels will be reduced to 45 dBA DNL or lower. The specific determination of what noise insulation treatments are necessary will be made on a unit-by-unit basis. Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City along with the building plans and approved prior to issuance of a building permit.

**MM NOI-2b:** Building sound insulation requirements will include the provision of forced-air mechanical ventilation for units proposed in noise environments exceeding 60 dBA DNL, so that windows could be kept closed at the occupants’ discretion to control noise.

**MM NOI-2c:** If required based on the acoustical analysis, special building techniques (e.g., sound-rated windows and building facade treatments) will be included to maintain interior noise levels at or below acceptable levels. These treatments would include, but are not limited to, sound rated windows and doors, sound rated wall constructions, acoustical caulking, protected ventilation openings, etc.

#### **4.12.4 Conclusion**

Compliance with Mitigation Measures NOI-1 and NOI-2, adapted from the Envision San José 2040 General Plan FEIR and the 2005 NSJ FEIR, and implementation of the site-specific noise reduction measures outlined above, would ensure that project-related construction and operational noise impacts would not exceed the impacts identified in the 2005 NSJ FEIR.

## 4.13 POPULATION AND HOUSING

### 4.13.1 Setting

Currently there are no residential uses on-site, or within 0.25 miles of the project site.

### 4.13.2 Environmental Checklist and Discussion of Impacts

<b>Population and Housing</b>						
<b>Issues</b>	<b>New Potentially Significant Impact</b>	<b>New Less Than Significant With Mitigation Incorporated</b>	<b>New Less Than Significant Impact</b>	<b>Same Impact as “Approved Project”</b>	<b>Less Impact than “Approved Project”</b>	<b>Information Source(s)/ Discussion Location</b>
Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

The 2005 NSJ FEIR concluded that development and redevelopment of property in the Policies Area would increase jobs and housing. The proposed land use changes and policy revisions under the North San José Development Policies Update (which includes the project site) would result in approximately 83,300 new employees and up to 32,000 new dwelling units.

The proposed project would develop two hotels with approximately 329 hotel rooms that would generate jobs. However, the project would not directly generate a permanent population increase in the area, or substantially increase the demand for housing (although some project employees may decide to live in the area). In addition, the project would not displace a residential population or existing housing, as the site contains only commercial uses. Therefore, the proposed project would not result in new or more significant population growth and/or housing impacts that were analyzed and described in the 2005 NSJ FEIR.

### 4.13.3 Conclusion

The proposed project would not result in any new or more significant population growth or housing impacts beyond those identified in the certified 2005 NSJ FEIR.

## 4.14 PUBLIC SERVICES

### 4.14.1 Setting

As described in the 2005 NSJ FEIR, the City of San José provides police and fire protection for the Policies Area and the project site. The closest fire station is 1.6 miles south, at 1380 North Tenth Street. Police would dispatch to the project site from 201 West Mission Street, approximately 3.5 miles south of the site. The basic availability of public services has not changed since the certification of the 2005 NSJ FEIR.

### 4.14.2 Environmental Checklist and Discussion of Impacts

<b>Public Services</b>						
<b>Issues</b>	<b>New Potentially Significant Impact</b>	<b>New Less Than Significant With Mitigation Incorporated</b>	<b>New Less Than Significant Impact</b>	<b>Same Impact as "Approved Project"</b>	<b>Less Impact than "Approved Project"</b>	<b>Information Source(s)/ Discussion Location</b>
Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

#### 4.14.2.1 Fire and Police Protection

The project would be constructed in conformance with current building codes, which require features that would reduce potential fire hazards. The project design would also be reviewed by the San José Police Department to ensure that it incorporates appropriate safety features to minimize criminal activity.

As discussed in the certified 2005 NSJ FEIR, a realization of the full buildout of the development approved in the North San José Development Policies Update would incrementally increase the need for fire and police protection services, which may create the need for additional staffing or resources, or a new fire station in the Policies Area. The increase in demand for fire and police services is not necessarily an environmental impact. The environmental impact, if it would occur, would generally result from the physical changes made in order to meet the increased demand for services. Future development of new fire or police facilities in the project area would require supplemental environmental review which could consist of an Addendum or Supplemental EIR to the certified 2005 NSJ FEIR (or equivalent document).

Given the infill location of the project site and the fact that the site is already served by the San José Fire Department and San José Police Department, it is not anticipated that development of the proposed project would result in significant impacts to police and fire services, nor would this project



alone require the construction of additional fire or police facilities. Furthermore, the proposed project would not result in any new or more significant impacts to fire and police service beyond those identified in the certified 2005 NSJ FEIR.

#### **4.14.2.2 Schools**

The project would result in the development of hotel uses, which would not directly increase the demand for school facilities. The project would not result in any new or more significant school impacts beyond those identified in the certified 2005 NSJ FEIR.

#### **4.14.2.3 Parks and Other Public Facilities**

The project would not generate a residential population that would increase demands on park and recreation facilities. It is anticipated that the full buildout of the development approved in the Policies Area and evaluated in the certified 2005 NSJ FEIR would result in the incremental increase in the need for parks and recreational facilities. Those additional facilities would be developed in the Policies Area concurrent with residential development. The proposed project would not result in any new or more significant impacts to parks facilities beyond those identified in the certified 2005 NSJ FEIR.

#### **4.14.3 Conclusion**

The proposed project would not result in any new or more significant impacts to public services or facilities than those addressed in the certified 2005 NSJ FEIR.

## 4.15 RECREATION

### 4.15.1 Setting

The Envision 2040 San José General Plan establishes a service benchmark of: 3.5 acres of neighborhood/community serving parkland, including City trails, per 1,000 population; 7.5 acres of Citywide/regional park and open space lands per 1,000 population; and 500 square feet of community center space per 1,000 population. Three neighborhood parks in the project site vicinity include Rosemary Garden Park, approximately 1.1 miles to the south; Montague Park, approximately 1.6 miles to the northwest; and Luna Park, approximately 1.9 miles to the southeast. The existing parks and recreational facilities in the project area have not changed substantially since the certification of the 2005 NSJ FEIR, except for River Oaks Park, a 5.0 acre park which was added to the Policy Area in 2012.

### 4.15.2 Environmental Checklist and Discussion of Impacts

Recreation						
Issues	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Information Source(s)/ Discussion Location
Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

The proposed project is a hotel use and would not generate a residential population that would increase demands on park and recreational facilities. In addition, all recreational uses (gyms, pools) proposed as part of the project would be interior to project buildings, and would not result in environmental impacts beyond those identified in the 2005 NSJ FEIR.

### 4.15.3 Conclusion

Implementation of the proposed project would not result in any new or more significant recreational impacts beyond those identified in the 2005 NSJ FEIR.

## **4.16 TRANSPORTATION**

The discussion in this section is based on a transportation analysis conducted by LSA Associates, Inc. that supplements the transportation analysis conducted as part of the 2005 NSJ FEIR.

### **4.16.1 Setting**

The transportation system in the vicinity of the project site, including regional and local roadways, bicycle and pedestrian facilities, and existing transit services (bus and light rail services) has not substantially changed since the certification of the NSJ FEIR in June 2005.

#### **4.16.1.1 North San José Area Development Policy**

The City created a new Area Development Policy for North San José as part of the approved North San José Development Policies Update. The policy allows for the more efficient use of land in North San José by encouraging intensification of an existing urbanized area in order to significantly increase transit use and discourage sprawl on the outer edges of Santa Clara County and the Central Valley.

A revised Deficiency Plan for North San José was proposed as part of the approved North San José Development Policies Update. The revised Deficiency Plan reflects the City's approved intensification of development in North San José and the actions proposed to encourage and facilitate transit use in the area. The proposed project would be developed on the site under the provisions of the North San José Development Policies Update and subject to the Deficiency Plan, and current Zoning Ordinance requirements.

#### **4.16.1.2 Site Access and Transportation Facilities**

Regional access to the project site is provided by U.S. 101 and SR 87. Local access to the project site is provided via North First Street and Karina Court. The VTA Karina Station is located adjacent to the project site, and provides service throughout the VTA system. Sidewalks are provided on Karina Court and North First Street, and a Class 2 bike lane is provided on North First Street.

#### **4.16.1.3 City of San José General Plan**

Various policies in the Envision 2040 General Plan have been adopted that avoid or mitigate transportation impacts resulting from planned development within the City. Policies from the General Plan that are relevant to the proposed project and would reduce transportation impacts include:

##### **Street Network**

- Policy CD-2.2: Consider the street type (e.g., expressway, arterial, Main Street) in the development review process to ensure that the design of the site, buildings, and public way respond to the transportation mode priorities (i.e., pedestrian, bicycle, or vehicular traffic) for the area.

##### **Parking and Loading**

- Policy TR-6.7: As part of the project development review process, ensure that adequate off-street loading areas in new large commercial, industrial, and residential developments are provided, and that they do not conflict with adjacent uses, or with vehicle, pedestrian, bicycle, or transit access and circulation.
- Policy TR-8.4: Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.

- Policy TR-8.5: Promote participation in car share programs to minimize the need for parking spaces in new and existing development.

### **Pedestrian, Bicycle, and Public Transit Facilities**

- Policy CD-3.3: Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.
- Policy CD-3.4: Encourage pedestrian cross-access connections between adjacent properties and require pedestrian and bicycle connections to streets and other public spaces, with particular attention and priority given to providing convenient access to transit facilities. Provide pedestrian and vehicular connections with cross-access easements within and between new and existing developments to encourage walking and minimize interruptions by parking areas and curb cuts.
- Policy CD-3.7: Encourage development to maximize pedestrian, bicycle, and vehicular connections to adjacent existing and planned neighborhoods and community facilities. Use cul-de-sacs only when no current or future options exist to connect one area to another, or if such design would help preclude development from extending to areas where it is not planned.
- Policy CD-3.9: Minimize driveway entrances to enhance pedestrian safety and decrease the area of paved surfaces. Encourage shared vehicular access points that serve multiple uses and/or parcels, including shared access for commercial and residential uses. Avoid driveways that break up continuous commercial building frontages. Position vehicular access to minimize negative impacts to aesthetics and to pedestrian and bicycle safety.
- Policy TR-1.1: Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
- Policy TR-1.2: Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
- Policy TR-1.4: Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand transportation impacts of new developments or infrastructure projects.
- Policy TR-2.8: Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
- Policy TR-2.12: Consider alternative public right of way materials for roadway, sidewalks, park strips, crosswalks, and trails etc., to enhance the pedestrian and bicyclist experience as well as provide other benefits such as stormwater management and hydromodification control.
- Policy TR-3.3: As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.

### **Level of Service**

- Policy TR-5.3: The minimum overall roadway performance during peak travel periods should be level of service "D" except for designated areas. How this policy is applied and exceptions to this policy are listed in the following bullets:
  - *Vehicular Traffic Mitigation Measures*. Review development proposals for their impacts on the level of service and require appropriate mitigation measures if development of the project has

the potential to reduce the level of service to “E” or worse. These mitigation measures typically involve street improvements. Mitigation measures for vehicular traffic should not compromise or minimize community livability by removing mature street trees, significantly reducing front or side yards, or creating other adverse neighborhood impacts.

- *Area Development Policy.* An “area development policy” may be adopted by the City Council to establish special traffic level of service standards for a specific geographic area which identifies development impacts and mitigation measures. These policies may take other names or forms to accomplish the same purpose. Area development policies may be first considered only during the General Plan Annual Review and Amendment Process; however, the hearing on an area development policy may be continued after the Annual Review has been completed and the area development policy may thereafter be adopted or amended at a public meeting at any time during the year.

These multimodal improvements are referred to as off-setting improvements and include improvements to transit, bicycle, and/or pedestrian facilities.

#### 4.16.2 Environmental Checklist and Discussion of Impacts

<b>Transportation/Traffic</b>						
<b>Issues</b>	<b>New Potentially Significant Impact</b>	<b>New Less Than Significant With Mitigation Incorporated</b>	<b>New Less Than Significant Impact</b>	<b>Same Impact as “Approved Project”</b>	<b>Less Impact than “Approved Project”</b>	<b>Information Source(s)/ Discussion Location</b>
Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,4
Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,4
Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	12, 15
Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,4

#### 4.16.2.1 Trip Generation and Level of Service

Trip generation resulting from new development proposed within the City of San José is typically estimated using the rates contained in the San José Traffic Impact Analysis Handbook. The City's rates were applied to project as shown in Table 3, Project Trip Generation.

After applying the appropriate trip generation rates, the hotel project would generate 2,961 daily vehicle trips, with 237 trips occurring during the AM peak hour and 266 trips occurring during the PM peak hour. Using the inbound/outbound splits recommended by the City of San José, the project would generate 142 inbound and 95 outbound trips during the AM peak hour, and 160 inbound and 106 outbound trips during the PM peak hour.

**Table 3: Project Trip Generation Estimate**

Land Use	Size	Daily Rate <sup>a</sup>	Daily Trips	AM Peak Hour				PM Peak Hour			
				Peak Hour Factor	In	Out	Total	Peak Hour Factor	In	Out	Total
Hotel <sup>b</sup>	329 units	9.0	2,961	0.08	142	95	237	0.09	160	106	266
<b>Total Project Trips</b>			<b>2,961</b>		<b>142</b>	<b>95</b>	<b>237</b>		<b>160</b>	<b>106</b>	<b>266</b>

<sup>a</sup> Rate per unit.

<sup>b</sup> Based on Hotel rates contained in the *San José TIA Handbook*, August 2009.

Source: LSA Associates, Inc., 2014

The traffic impacts that would result from the proposed project were analyzed and accounted for in the certified 2005 NSJ FEIR. Implementation of the proposed project would contribute to the overall level of service (LOS) impact on local intersections and freeway segments in the North San José area. These impacts were found to be significant and unavoidable and, as a result, the City of San José adopted a statement of overriding consideration for the NSJ FEIR transportation impacts in accordance with *CEQA Guidelines* Section 15093. The proposed project would not result in any new or more significant impacts to the LOS of any local intersection or freeway segment than were previously identified in the NSJ FEIR because the project site was evaluated as a commercial area in the NSJ Development Policies update with similar traffic generation compared to the proposed hotel project.

The 205,580 square feet of building space proposed on the site would result in a lightly lower peak hour trip generation (266 trips) when compared to peak hour trips generated for an office building of a similar size (311 trips). The project site falls under the provisions of the North San José Area Development Policy and is subject to the Deficiency Fee in accordance with the policy. These fees will be used to fund construction of a series of transportation improvements identified in the 2005 NSJ FEIR.

Even with these prescribed improvements identified in the 2005 NSJ FEIR, traffic impacts at some locations would remain significant and unavoidable; the City Council adopted a statement of overriding considerations for this impact.

The Deficiency Plan for North San José, adopted as part of the 2005 NSJ FEIR, is intended to reduce impacts to regional transportation facilities that do not meet Congestion Management Agency (CMA) standards. Sponsors of projects in North San José are required to pay a contribution to improve affected regional facilities, in accordance with the Deficiency Plan.

#### **4.16.2.2 Standard Project Conditions**

The project would implement the following standard project conditions:

- The proposed project shall comply with the City's North San José Area Development Policy and Deficiency Plan Fee.
- Consistent with the 2005 NSJ FEIR, the proposed project is required to pay a traffic impact fee (TIF). This fee must be paid prior to the issuance of a building permit or in accordance with the schedule specified in a development agreement.

#### **4.16.2.3 Site Access, Circulation, and Emergency Access**

After completion of the project, circulation and access through the project site would be provided from two driveways; one off Karina Court and one off North First Street. The project would include an internal route through the site connecting North First Street and Karina Court. The project would include a new driveway off North First Street, which would be located just east of the existing driveway. The driveway would be constructed in a right-in and right-out configuration, with a widened area for in-bound vehicles to temporarily park for hotel registration. Space would be provided such that through traffic could pass stopped vehicles. Fire and delivery trucks would have the ability to travel through the project site, which would eliminate the need for back-up or turning movements. The project would allow for safe circulation and would not interfere with emergency access.

#### **4.16.2.4 Air Traffic Patterns**

See Section 4.8, Hazards and Hazardous Materials, regarding required FAA airspace safety review of the proposed project. Compliance with the FAA review determinations would ensure no project impact on air traffic patterns. On April 21, 2014, the FAA issued a "no hazard" determination for the project, meaning that the project would not be a hazard to air navigation.

#### **4.16.2.5 Public Transit, Bicycle, and Pedestrian Facilities**

The proposed project would include sidewalks and bike parking, and would result in the development of an employment-generating use adjacent to the VTA Karina Station. Project employees and visitors would be able to easily access the project site via public transit, including from Downtown San José and the Mineta San José International Airport. Therefore, the project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

#### **4.16.3 Conclusion**

The proposed project, with implementation of the above standard project conditions, would not result in new or more significant impacts to the transportation system beyond those identified in the certified 2005 NSJ FEIR.

## 4.17 UTILITIES AND SERVICE SYSTEMS

### 4.17.1 Setting

The provision of water, sanitary sewer, storm drainage, solid waste, natural gas, and electricity services has not changed substantially since the certification of the 2005 NSJ FEIR.

#### 4.17.1.1 Water Service

The project site is served by the San José Water Company, a private utility that provides water service to a large portion of the City. Existing water lines provide potable water, irrigation, and fire services to the project site.

#### 4.17.1.2 Sanitary Sewer/Wastewater Service

The City of San José maintains the wastewater collection system in the Policies Area, and is capable of processing 167 million gallons per day (mgd). As described in the 2005 NSJ FEIR, the Water Pollution Control Plant (WPCP) in Alviso is operating under capacity, at an average of 116.8 mgd. The project site is served by parallel sewer mains along North First Street.

#### 4.17.1.3 Storm Drainage System

The City of San José provides service to the existing storm drainage system within the Policies Area, and the system comprises storm lines which range in size from 12 inches to 144 inches in diameter. Flows from the project site and adjacent streets are conveyed to storm laterals and mains, which drain to the Guadalupe River. Storm drain capacity generally carries a 3 to 5-year storm.

#### 4.17.1.4 Solid Waste

All commercial facilities in San José are currently served by Republic Services and there is sufficient landfill capacity for Santa Clara County needs for at least the next 25 years. Recycling services are available to most businesses.

### 4.17.2 Environmental Checklist and Discussion of Impacts

Utilities and Service Systems						
Issues	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Information Source(s)/ Discussion Location
Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,3
Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,3
Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3



<b>Utilities and Service Systems</b>						
<b>Issues</b>	<b>New Potentially Significant Impact</b>	<b>New Less Than Significant With Mitigation Incorporated</b>	<b>New Less Than Significant Impact</b>	<b>Same Impact as “Approved Project”</b>	<b>Less Impact than “Approved Project”</b>	<b>Information Source(s)/ Discussion Location</b>
Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,3
Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,3
Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
Comply with federal, State, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

#### **4.17.2.1 Wastewater Treatment Requirements**

As discussed in the 2005 NSJ FEIR, the additional wastewater generated by the proposed project has been accounted for in the North San José Development Policies Update (5,214,750 mgd), which would not cause the WPCP to exceed its operating capacity, thereby maintaining compliance with the MRP Permit.

##### **4.17.2.1.1 Wastewater Facilities**

As stated above and discussed in the 2005 NSJ FEIR, the proposed project is accounted for under the North San José Development Policies Update and would not cause the WPCP to exceed its operating capacity. The current wastewater system has sufficient capacity to serve the project. Therefore, no new wastewater facilities would be required to serve the project.

##### **4.17.2.2 Stormwater Drainage Facilities**

Implementation of the proposed project would result in a decrease in impervious surfaces on the project site. Additionally, the project design includes a series of treatment control and source control measures to reduce the peak flows and contaminant load prior to stormwater entering the municipal storm drain system. These measures include bioretention features that would provide treatment to each of 12 areas ranging in size from 134 to 1,841 square feet on the project site. However, as required by Mitigation Measure HYD-1, prior to the issuance of Site Development Permits, the proposed project would be evaluated in order to identify potential exceedances in stormwater infrastructure (and associated improvements to infrastructure would be required).

##### **4.17.2.3 Water Supply and Water Facilities**

The proposed project would connect to the existing water main infrastructure serving the site and surrounding area. Implementation of the project would generate increased water demand from the approximately 205,580 square feet of new hotel uses proposed. The 2005 NSJ FEIR concluded that

the San José Water Company would be able to provide water service to all future development allowed under the Policies Area, which includes the project site. No major changes to water facility infrastructure would be required.

#### **4.17.2.4 Solid Waste**

Implementation of the proposed project would result in a net increase in solid waste generated on the project site. The 2005 NSJ FEIR concluded that there is sufficient capacity in the existing solid waste disposal facilities serving San José to accommodate waste generated by the development approved in the Policies Area, which includes the proposed project site.

#### **4.17.3 Conclusion**

The proposed project would not result in any new or significant utilities impacts beyond those identified in the 2005 NSJ FEIR.

#### 4.18 MANDATORY FINDINGS OF SIGNIFICANCE

Mandatory Findings of Significance						
Issues	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Information Source(s)/ Discussion Location
Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

The certified 2005 NSJ FEIR evaluated the impacts of a group of related actions that would develop 26.7 million square feet of new industrial/office/research and development building space in the Policies Area. The amount of total new development would allow for approximately 83,300 new employees and up to 32,000 new dwelling units. In addition, approximately 1,000 new hotel rooms would be developed.

The proposed project would develop approximately 205,580 square feet of new hotel uses, including 329 hotel rooms and accessory uses, and associated surface parking lots. The project is consistent with the North San José Development Policies Update and fits within the development envelope analyzed in the 2005 NSJ FEIR. With implementation of Standard Measures and Mitigation Measures included in the project and described in this Addendum, the proposed project would not result in new or more significant environmental impacts beyond those identified in the certified 2005 NSJ FEIR, including those related to the protection of biological and cultural resources, cumulative conditions, and substantial adverse effects on human beings.

## **SECTION 5.0 REFERENCES/CHECKLIST SOURCES**

1. Professional judgment and expertise of the environmental specialist preparing this assessment, based upon a review of the site, surrounding conditions, and review of the project plans.
2. City of San José. Final Program Environmental Impact Report, North San José Development Policies Update Update. June 2005.
3. City of San José. Final Environmental Impact Report, Envision San José 2040 General Plan. September 2011.
4. City of San José. Envision San José 2040 General Plan.
5. California Department of Conservation. Santa Clara County Important Farmland 2010 Map.
6. City of San José. Zoning Ordinance.
7. Bay Area Air Quality Management District. California Environmental Quality Act Air Quality Guidelines. 2011.
8. Bay Area Air Quality Management District. Bay Area 2010 Clean Air Plan. September 15, 2010.
9. County of Santa Clara, et al., 2013. Santa Clara Valley Habitat Plan.
10. AEI Consultants, 2013. Pre-Demolition Asbestos Survey & Lead-Based Paint Screen, 2103 N. First Street and 90 Karina Court. October 15.
11. AEI Consultants, 2013. Phase I Environmental Site Assessment. September 27.
12. Santa Clara County Airport Land Use Commission, 2011. Comprehensive Land Use Plan, Santa Clara County, Norman Y. Mineta San José International Airport. May 25.
13. Federal Emergency Management Agency. Flood Insurance Rate Map, Community Panel Number 06085C0231H, dated May 18 2009.
14. Association of Bay Area Governments, 2003. Dam Failure Inundation Hazard Map for NW San José/Milpitas/Santa Clara.
15. Federal Aviation Administration, 2014. Determination of No Hazard to Air Navigation, Hyatt House and Hyatt Place. April 21.
16. Baseline Environmental Consulting, 2014. Soil Management Plan, Hyatt House and Hyatt Place. April.

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## **SECTION 6.0 LEAD AGENCY AND CONSULTANTS**

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